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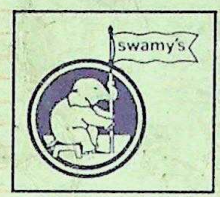

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PENSION COMPILATION

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[*Incorporating corrections received up to* 1*st February,* 1993]

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Government of India
MINISTRY OF COMMUNICATIONS
Sardar Patel Bhavan, Parliament Street
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Secretary

Dated August 3, 1974

FOREWORD

Shri Muthuswamy is no newcomer to the field of Government literature as he has already published several books of reference. I understand that his publications brought out over the last 17 years are being widely used in all Government offices. This compilation containing all about pension in one volume is his latest work.

Government have already codified the pension rules replacing the old provisions contained in the Civil Service Regulations and the Liberalised Pension Rules. Shri Muthuswamy has taken pains to sort out all Government of India decisions and administrative instructions not so far codified and incorporated them under the relevant rules of the Central Civil Services (Pension) Rules so as to make the compilation extremely useful. He has also given important title headings for Government decisions to facilitate consultation.

The compilation is already approved by Government as a book of reference. I have no hesitation in recommending this book for use in all administrative and accounts offices. I wish the author all success in his continuing service to the Government servants.

N V Shenoi

(N. V. SHENOI)

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PREFACE TO THE THIRTEENTH EDITION

The provisions relating to pension and gratuity including family pension, which were spread over the Civil Service Regulations and various executive instructions, were codified in 1972, in the form of statutory rules—The CCS (Pension) Rules, 1972. Since the promulgation of these rules, there have been successive liberalisation of the substantive provisions contained therein, with consequent scores of amendments as also complete replacement of chapters relating to procedure for processing and finalising pension cases.

The entire pension structure and other retirement benefits of Government employees had been gone into elaborately by the Fourth Central Pay Commission. As a result of the acceptance of the various recommendations made by the Commission, Government have issued numerous orders covering pension, gratuity, family pension, terminal benefits to quasi-permanent and temporary employees, Extraordinary Pension, Liberalised Pension Awards, etc. This edition has been brought out incorporating all the amendments issued so far.

This compilation is in the typical Swamy's style with exhaustive appendices with the avowed object of bringing together the rules and orders relating to retirement benefits within a limited compass. A well-classified subject-wise index of rules and orders appearing at the end, will be of utmost utility to every one who handles the compilation for reference.

We have attempted to make this edition so thoroughly exhaustive and up-to-date that, in our view, with a copy of this edition on hand, neither the would-be pensioner nor the offices dealing with pension cases need consult any other book or orders on the subject.

Suggestions for improvement and rectification of errors and omissions will be gratefully accepted as ever before.

1st February, 1993 — *The Publishers*

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ABOUT THIS BOOK

Government of India's Decisions incorporated herein may be quoted without reserve in official records and in answer papers of departmental examinations as the publication is mainly intended for this purpose. This book has been approved by Government for use in examinations. The right to print or publish the whole or any part of this book with the rules and orders edited and arranged in its present form is, however, reserved by the authors.

I

EXTRACT

From Letter No. A-34012/101/78/MF-CGA (E)/2286, dated the 31st December, 1987, from the Controller-General of Accounts, Ministry of Finance, Government of India, New Delhi

Para. 22 (*a*). Candidates may be permitted to use under-mentioned books in addition to the official publications enumerated in the syllabus for the Examination for the relevant practical papers of Part I of Junior Accounts Officer (Civil) Examination.

***

I. (*i*) Swamy's Pension Compilation of CSRs and Liberalised Pension Rules.

(*ii*) Swamy's Compilation of Liberalised Pension Rules.

II. ***

III. Swamy's Compilation of the Fundamental Rules and the Supplementary Rules, Vols. I & II.

***

IV. Swamy's Compilation of Central Treasury Rules, Vol. I.

V. Swamy's Compilation of the General Financial Rules.

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II

EXTRACT

From Appendix 37, *Posts & Telegraphs Manual, Volume* IV

Note below Para. 2 of Part III and Para. 13 of Part III

NOTE.—The candidates will be permitted to bring in the examination hall.....Swamy's Pension Compilation, at their option, in addition to the official publication on CSRs as a book of reference in the examination hall in respect of all P & T examinations in which the Civil Service Regulations and Liberalised Pension Rules have been included in the syllabus and the questions are allowed to be answered with the aid of books. The candidates will provide themselves with a copy of the above compilation at their own cost and they may use it at their own risk regarding the accuracy, completeness or up-to-dateness of the publication.

[C.S. Nos. 45 and 46, dated the 1st January, 1962, issued from D.G., P. & T., New Delhi, File 7/4/61-SPB. II.]

III

EXTRACT

From Letter No. 58-*Exam.*/10-60, *dated the* 1*st May,* 1961, *from the Comptroller and Auditor-General of India, New Delhi, to all Accountants-General, etc.*

Subject:—**Permission to use (1) "Swamy's Pension Compilation of CSRs and Liberalised Pension Rules" (2) "Swamy's Compilation of Liberalised Pension Rules" in the SAS Examination and the Departmental Examination of the IAAS.**

In continuation of this Office Circular Letter No. 45-Exam./10-60, dated 23rd March, 1960, on the subject indicated above, I am directed to state that the Comptroller and Auditor-General of India has been pleased to permit the use of (1) Swamy's Pension Compilation of CSRs and Liberalised Pension Rules, (2) Swamy's Compilation of Liberalised Pension Rules as books of reference in the Examination Hall to the candidates for the SAS and Departmental Examination of the IAAS.

2. The candidates should provide themselves with the copies of the above books at their own cost and should also be warned and they may use the books at their own risk regarding the accuracy, the completeness or up-to-dateness of the two publications.

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Pension Payment Order

Pensioner's / Disburser's Portion

[*Bilingual*]

Revised as per the latest pro forma—
vide G.I., M.F., No. Q. 20011/80/M.F.C.G.A./Vol. II (KW)/1876, dated 25-3-1988, read with even No., dated 12-10-1988

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No. 1

Page 104, *Rule* 54

Substitute in the proviso to sub-rule (6), the words **"twenty-five years"** for the existing words "twenty-one years in the case of the son and thirty years in the case of the daughter".

[G.I., Dept. of P. & P.W., Notification No. 1/10/92-P & PW (E), dated the 31st December, 1992.]

[No. 1, dated the 1st March, 1993]

No. 2

Page 111, *Rule* 54

Omit in sub-rule (14), in clause (*b*) in sub-clause (*ii*), the words **"before retirement".**

[G.I., Dept. of P. & P.W., Notification No. 1 (66)-P & PW/89-E, dated the 18th January, 1993.]

[No. 2, dated the 1st March, 1993]

No. 3

Page 116, *Rule* 54

Insert the following as Government of India's Decision (9-A) below this rule—

(9-A) Family pension will not be stopped when son/daughter starts earning livelihood.—

Reference GID (9) above, the question of removing the restriction of earning of livelihood for the purpose of stoppage of family pension has been under consideration of the Government of India. It was felt that the condition was operating harshly on the sons/daughters as the rules do not define the quantum of livelihood that will be taken into account for the purpose of this condition.

2. It has been decided that family pension payable to a son shall be stopped when he attains the age of 25 years and in the case of a daughter when she attains the age of 25 years or when she got married, whichever is earlier. The cases of a son or daughter of a Government servant who is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a livelihood even after attaining the age of 25 years, will continue to be regulated by the proviso to sub-rule (6) of Rule 54 of the CCS (Pension) Rules, 1972. Formal amendment to Rule 54 (6) of the CCS (Pension) Rules, 1972, is being issued separately.

3. These orders will take effect from the date of issue.

[G.I., Dept. of P. & P.W., O.M. No. 1 (26) - P & PW/90-E, dated the 18th January, 1993.]

[No. 3, dated the 1st March, 1993]

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No. 4

Page 128, *Rule* 54

Insert the following as Government of India's Decision (21) below this rule:—

(21) Endorsement of family pension entitlement of post-retiral spouses in the PPO—procedure for.—Reference Decision (18) above, the question of laying down the procedure for endorsement of family pension entitlement of post-retiral spouse in the Pension Payment Order of the pensioner has been under consideration of this Department. It has now been decided that the following procedure may be followed for endorsement of family pension entitlement of post-retiral spouse in the Pension Payment Order of Central Government Civil Pensioners:—

(*i*) As and when a pensioner marries or re-marries after retirement, he shall intimate the event to the Head of Office who processed his pension papers at the time of his retirement. He shall also furnish along with his application an attested copy of the marriage certificate from Registrar/Gram Panchayat/District Magistrate in respect of his post-retirement marriage.

(*ii*) The Head of Office on receipt of the application mentioned above and after due verification where necessary, forward the papers to the concerned Pay & Accounts Officer for issue of corrigendum PPO. While forwarding the papers to the Pay & Accounts Officer, the provisions of clause (*b*) of sub-rule (7) of Rule 54 of the CCS (Pension) Rules, 1972, shall be kept in mind. When the pensioner does not have any child or children from his previous marriage, if any, the post-retiral spouse shall be eligible for full family pension. Where the pensioner has any eligible child or children from another wife who is not alive, the family pension to the post-retiral spouse and the child/children from the previous marriage will be authorised in terms of clause (*b*) of sub-rule (7) of Rule 54 ibid.

(*iii*) The corrigendum PPO shall be forwarded by the Pay & Accounts Officer to the concerned pension disbursing authority through the Central Pension Accounting Office. A copy of the corrigendum PPO shall also be endorsed to the pensioner.

(*iv*) As far as children, including those born after retirement, are concerned, a fresh PPO will be issued as and when the turn of each child for receipt of family pension is reached as at present.

The application will be submitted in the attached pro forma.

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2. These orders do not apply to Railway employees, persons paid from the Defence Services Estimates and the members of All India Services. Separate orders in respect of them would be issued by the respective Ministries.

3. In their application to the families of pensioners who retired/retire from Indian Audit and Accounts Department, these orders have been issued after consultation with the Comptroller and Auditor-General.

[G.I., Dept. of P. & P.W., O.M. No. 1 (23)-P & PW/91-E, dated the 4th November, 1992.]

[No. 4, dated the 1st March, 1993]

Form of application to be submitted by Pensioners for endorsement of particulars of spouse from post-retiral marriage and children born after retirement in the PPO.

(To be filled in triplicate and submitted to Head of Office, who processed pension papers initially).

Sir,

I am to state that I have married/remarried on..... I give below the requisite particulars, of my spouse for necessary endorsement on my PPO.

I also enclose 3 copies of passport size joint photograph with my spouse duly attested for necessary action.

1. Name of the Pensioner (as recorded in PPO)

2. Full Present Address

3. Date of Retirement

4. (*i*) PPO No. & Date

   (*ii*) Name of PPO Issuing Authority

5. Name of the Pension Disbursing Authority

   (*i*) Station

   (*ii*) Treasury/DPDO/PAO/PSB as the case may be

   (*iii*) Bank Branch with full Address and SB/CA A/c. No.

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6. (*a*) Details of family (as recorded in PPO)

S. No.	Name (s) and addresses of members of family	Relationship with the Pensioner	Marital Status (in case of daughter)	Date of Birth of children	Whether the child/children physically handicapped

(*b*) If the application is for inclusion of post-retiral spouse, the date of death/ divorce of the previous spouse (Attested copies of death certificate/divorce decree to be enclosed)

7. Particulars of spouse from post-retiral marriage—

(*i*) Name

(*ii*) Date of marriage with the pensioner. (Please attach attested copy of marriage certificate.)

(*iii*) Joint Photograph of the pensioner and the spouse referred to at item (*a*) above duly attested.

8. Particulars of Children born after retirement.

S. No.	Name(s) and address of post-retiral family	Relationship with the pensioner	Date of Birth	Whether the child (ren) is/are physically handicapped

(Please attach attested copies of birth certificates)

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9. Verification

I certify that the particulars furnished above are correct.

Attested by: (With name in Block letters with address) — Signature of Pensioner

1. Signature — Place
   Name
   Address — Date
2. Signature
   Name
   Address

NOTE.—Attestation should be done by two Gazetted Government servants or by two respectable persons in the town/village or pargana in which the applicant resides.

No. 5

Page 136, *Rule* 61

Insert the following as Government of India's Decision (3) below this rule:—

(3) **Entitlement to family pension in the case of employees going on permanent absorption in PSU/Autonomous Bodies should be indicated in the pension calculation sheet.**—In accordance with Decision (2) above, every retiring employee is required to be supplied with a pension calculation sheet *inter alia* indicating the amount of pension, gratuity and family pension. It has been decided that the entitlement to family pension in the case of employees going on permanent absorption in PSU/ Autonomous Bodies should also be indicated in the said calculation sheet with an explanation that the benefit of family pension will be admissible in such case, subject to—

(*a*) The employee seeking permanent absorption is not entitled to family pension benefit from the Public Sector Undertakings/Autonomous Bodies or under the Employees' Provident Fund and Miscellaneous Provisions Act.

(*b*) Where the employee concerned is governed by the Family Pension Scheme under the Employees' Provident Fund and Miscellaneous Provisions Act, he opts to be governed by the Family Pension Scheme of the Central Government after obtaining exemption from the provision of Employees' Provident Fund and Miscellaneous Provisions Act from the Regional Provident Fund Commissioner concerned.

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For this purpose the format of the calculation sheet has been further amplified. A revised format is enclosed (*Annexure*). This calculation sheet should be got printed on fairly heavy paper to ensure its durability and entries therein should as far as possible be typed. In the event of the absorbees becoming eligible for the benefit of family pension under the Central Government rules, the pension calculation sheet can be relied upon by the members of the family for claiming family pension as and when the contingency for the same arises in future.

Ministry of Agriculture, etc., are requested kindly to bring these revised instructions to the notice of all Heads of Offices/Pay and Accounts Offices under their administrative control. It is also requested that the pension calculation sheets may be supplied in all past cases of absorption in PSU/Autonomous Bodies (confined to details regarding entitlement to family pension) where the family pension has not so far already commenced.

In their application to the persons serving in the Indian Audit & Accounts Deparment, these orders issue in consultation with the Comptroller & Auditor-General of India.

[G.I., Dept. of P. & P.W., O.M. No. 29/4/91-P & PW (F), dated the 13th January, 1993.]

[No. 5, dated the 1st March, 1993]

ANNEXURE

CALCULATION SHEET

(Important document to be preserved carefully)

No..... Name of the Ministry/Deptt./Office .....

1. Name of the pensioner
2. Designation
3. Date of birth
4. Date of entry in the Govt. service
5. Date of retirement
6. Length of qualifying service reckoned for pension/gratuity (as indicated in PPO)
7. Emoluments drawn during the last 10 months
8. (1) Average emoluments for pension (as indicated in PPO)

   (2) Pension admissible

   Calculations to be shown as follows:—

$$\frac{\text{Avg. Emo.}}{2} \times \frac{\text{Q.S. (in completed 6 monthly period not exceeding 66)}}{66}$$

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8-A. Whether opted for commutation of 100% pension in case of permanent absorption in PSU/AB Yes/No

9. (1) Emoluments for gratuity (as indicated in PPO)

(2) Retirement gratuity admissible Calculation to be shown as follows:—

$$\frac{\text{Emoluments}}{4} \times \text{Q.S. (in completed 6 months period not exceeding 66)}$$

10. (1) Emoluments for Family Pension (as indicated in PPO)

(2) Family Pension admissible Calculations to be shown as follows:—

*(*a*) *Ord. Family Pension:* Pay last drawn × Prescribed %, subject to prescribed min. and max.

*(*b*) *Enhanced Family Pension:*

Family Pension at ordinary rate as at (*a*) above × 2, subject to prescribed minimum and maximum as per Rule 54.

**Explanation*: In cases of permanent absorption in Public Sector Undertakings/Autonomous Bodies, whether the retiree opts for pro rata pension or commutation of 100% pension, the above-mentioned entitlement to family pension will be subject to the fulfilment of the following conditions, namely:—

(*a*) The employee seeking permanent absorption is not entitled to family pension benefit from the Public Sector Undertakings/Autonomous Bodies or under the Employees' Provident Fund and Miscellaneous Provisions Act, and

(*b*) Where the employee concerned is governed by the Family Pension Scheme under the Employees' Provident Fund and Miscellaneous Provisions Act, he opts to be governed by the Family Pension Scheme of the Central Government after obtaining exemption from the provision of Employees' Provident Fund and Miscellaneous Provisions Act from the Regional Provident Fund Commissioner concerned.

11. PPO No.....

Head of Office

Place.....
Date.....

Countersigned

Pay & Accounts Officer

Place.....
Date.....

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CENTRAL CIVIL SERVICES

PENSION RULES[1]

CHAPTER I

Preliminary

1. Short title and commencement

(1) These rules may be called the Central Civil Services (Pension) Rules, 1972.

(2) They shall come into force on the 1st June, 1972.

2. Application

Save as otherwise provided in these rules, these rules shall apply to Government servants including civilian Government servants in the Defence Services, appointed substantively to civil services and posts in connection with the affairs of the Union which are borne on pensionable establishments, but shall not apply to—

(*a*) railway servants;

(*b*) persons in casual and daily rated employment;

(*c*) persons paid from contingencies;

(*d*) persons entitled to the benefit of a Contributory Provident Fund;

(*e*) members of the All India Services;

(*f*) persons locally recruited for service in diplomatic, consular or other Indian establishments in foreign countries;

(*g*) persons employed on contract except when the contract provides otherwise; and

(*h*) persons whose terms and conditions of service are regulated by or under the provisions of the Constitution or any other law for the time being in force.

GOVERNMENT OF INDIA'S DECISIONS

(1) Employees of Union Territories are also governed by CCS (Pension) Rules, 1972.—Reference UO Note No. 115-Audit/95-83, dated 31-1-1984, from the Office of the Comptroller and Auditor-General of

1. Published, *vide* G.I., M.F., Notification No. 8 (1)-E. V/69, dated the 1st March, 1972.

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India, on the above subject. The employees of the Delhi Administration as well as other Union Territories Administrations in the matter of pensionary benefits are governed by the Central Civil Services (Pension) Rules, 1972. The pay scales and other conditions of service of the Union Territories employees, except those of Chandigarh Administration, have been fixed on the basis of the recommendations of the Third Pay Commission, and as such, all the conditions of service as applicable to the Central Government employees are applicable to the employees of the Union Territory Administrations.

[G.I., M.H.A., U.O. No. U. 14026/1/84 Delhi (D. III), dated the 24th March, 1984.]

(2) No distinction between permanent and temporary employees in the application of Pension Rules.—(*i*) Confirmation will be made only once in the service of an official which will be in the entry grade.

(*ii*) Confirmation is delinked from the availability of permanent vacancy in the grade. In other words, an officer who has successfully completed the probation may be considered for confirmation.

(*iii*) Since all the persons who complete probation in the first appointment will be declared as permanent, the present distinction between permanent and temporary employees for grant of pension and other pensionary benefits will cease to exist.

[G.I., Dept. of Per. & Trg., O.M. No. 18011/1/86-Est. (D), dated the 28th March, 1988—4.1 (A) and 4.4.]

For pensionary/death benefits for temporary Government servants see *Rule* 10 *of CCS (TS) Rules,* 1965.

3. Definitions[1]

In these rules, unless the context otherwise requires—

(1) [1](*a*) '*Accounts Officer*' **means an officer, whatever his official designation, who maintains the accounts of a Ministry, Department or Office of the Central Government or Union Territory and includes an Accountant-General, who is entrusted with the functions of maintaining the accounts or part of accounts of the Central Government or Union Territory;**

[2](*aa*) '*allottee*' **means a Government servant to whom Government accommodation has been allotted on payment of licence fee or otherwise;**

(*b*) '*average emoluments*' **means average emoluments as determined in accordance with Rule 34;**

1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1) Pen. (A)/79, dated the 19th May, 1980.

2. Inserted by G.I., Dept. of Per. & A.R., Notification No. 6 (1) Pen. (A)/79, dated the 19th May, 1980.

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(*c*) '*child*' **means a child of the Government servant who, if a son, is under** [1][**twenty-five**] **years of age and if a daughter, is unmarried and is under** [1][**twenty-five**] **years of age and the expression** '*children*' **shall be construed accordingly;**

[2][(*cc*) '*dearness relief*' **means relief as defined in Rule 55-A;**]

(*d*) '*Defence Service*' **means services under the Government of India in the Ministry of Defence, and in the Defence Accounts Department under the control of the Ministry of Finance (Department of Expenditure) (Defence Division), paid out of the Defence Services Estimates and not permanently subject to the Air Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957);**

(*e*) '*emoluments*' **means emoluments as defined in Rule 33;**

[3][(*f*) '*family pension*' **means 'Family Pension, 1964', admissible under Rule 54 but does not include dearness relief;**]

(*g*) '*foreign service*' **means service in which a Government servant receives his pay with the sanction of the Government from any source other than the Consolidated Fund of India or** [4][**the Consolidated Fund of a State or the Consolidated Fund of a Union Territory**];

(*h*) '*Form*' **means a Form appended to these rules;**

(*i*) '*Government*' **means the Central Government;**

[5](*ii*) '*Government dues*' **means dues as defined in sub-rule (3) of Rule 71;**

(*j*) '*gratuity*' **includes—**

(*i*) '*service gratuity*' **payable under sub-rule (1) of Rule 49;**

(*ii*) [1][*retirement gratuity/death gratuity*] **payable under sub-rule (1) of Rule 50; and**

(*iii*) '*residuary gratuity*' **payable under sub-rule (2) of Rule 50;**

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

2. Inserted by G.I., Dept. of P. & P.W., Notification No. 42 (30) P. & P.W./89-E, dated the 22nd January, 1991, published as S.O. No. 409 in the Gazette of India, dated the 9th February, 1991.

3. Substituted by G.I., Dept. of P. & P.W., Notification No. 42 (30) P. & P.W./89-E, dated the 22nd January, 1991, published as S.O. No. 409 in the Gazette of India, dated the 9th February, 1991.

4. Substituted by G.I., M.F., Notification No. 19 (3)-E. V (A)/73, dated the 28th February, 1973.

5. Inserted by G.I., Dept. of Per. & A.R., Notification No. 6 (1) Pen. (A)/79, dated the 19th May, 1980.

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(*k*) '*Head of Department*' **means an authority specified in Schedule I to the Delegation of Financial Powers Rules, [1][1978], and includes such other authority or person whom the President may, by order, specify as Head of a Department;**

(*l*) '*Head of Office*' **means a Gazetted Officer declared as such under [1][Rule 14 of the Delegation of Financial Powers Rules, 1978], and includes such other authority or person whom the competent authority may, by order, specify as Head of Office;**

(*m*) '*Local Fund administered by Government*' **means the fund administered by a body which, by law or rule having the force of law, comes under the control of the Government and over whose expenditure the Government retains complete and direct control;**

(*n*) '*minor*' **means a person who has not completed the age of eighteen years;**

(*o*) [2]['*pension*' **includes gratuity except when the term pension is used in contradistinction to gratuity, but does not include dearness relief];**

[3](*p*) '*Pension Disbursing Authority*' **means—**

(*i*) **Branch of a nationalised bank, or**

(*ii*) **Treasury including sub-treasury, or**

(*iii*) **Accounts Officer;**

(*q*) '*qualifying service*' **means service rendered while on duty or otherwise which shall be taken into account for the purpose of pensions and gratuities admissible under these rules;**

(*r*) '*retirement benefits*' **includes pension or service gratuity, and [4][retirement gratuity], where admissible;**

[5](*rr*) '*Service Book*' **includes service roll, if any;**

(*s*) '*Treasury*' **includes a Sub-Treasury.**

(2) Words and expressions used herein and not defined but defined in the Fundamental Rules have the meanings respectively assigned to them in those Rules.

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1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/80, dated the 30th July, 1981.

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 42 (30) P. & P.W./89-E, dated the 22nd January, 1991, published as S.O. No. 409 in the Gazette of India, dated the 9th February, 1991.

3. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1) Pen. (A)/79, dated the 19th May, 1980.

4. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

5. Inserted by G.I., Dept. of Per. & A.R., Notification No. 6 (1) Pen. (A)/79, dated the 19th May, 1980.

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4. Government servants transferred from services and posts to which these rules do not apply

(1) A Government servant who is transferred permanently to a service or post to which these rules apply from a service or post to which these rules do not apply shall become subject to these rules:

Provided that it shall be open to him, within six months of the date of issue of the order of his permanent transfer or, if he is on leave on that day, then, within six months of his return from leave, whichever is later, to elect to be governed by the pension rules to which he was subject immediately before the date of his transfer.

(2) The option under the proviso to sub-rule (1) shall be exercised in writing and communicated to the authority making such order of transfer.

(3) The option, once exercised, shall be final.

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CHAPTER II

General Conditions

5. Regulation of claims to pension or family pension

(1) Any claim to pension or family pension shall be regulated by the provisions of these rules in force at the time when a Government servant retires or is retired or is discharged or is allowed to resign from service or dies, as the case may be.

[1](2) The day on which a Government servant retires or is retired or is discharged or is allowed to resign from service, as the case may be, shall be treated as his last working day. The date of death shall also be treated as a working day:

[2]Provided that in the case of a Government servant who is retired prematurely or who retires voluntarily under clauses (*j*) to (*m*) of Rule 56 of the Fundamental Rules or Rule 48 [3][or Rule 48-A], as the case may be, the date of retirement shall be treated as a non-working day.

GOVERNMENT OF INDIA'S DECISION

(1) Provision of sub-rule (1) relaxed in the case of family pension for life to the son/daughter suffering from disorder/disability of mind, etc.—*See* Decision under Rule 54.

6. [4][ ] *Deleted.*

7. Limitations on number of pensions

(1) A Government servant shall not earn two pensions in the same service or post at the same time or by the same continuous service.

(2) Except as provided in Rule 19, a Government servant who, having retired on a superannuation pension or retiring pension, is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of his re-employment.

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1. Substituted by G.I., M.F., Notification No. 7 (1)-E. V. (A)/74, dated the 7th February, 1975.

2. Inserted by G.I., M.F., Notification No. 7 (8)-E. V. (A)/77, dated the 22nd August, 1977.

3. Inserted by G.I., Dept. of Per. & A.R., Notification No. 31 (4)-Pen./80, dated the 21st April, 1981.

4. Deleted by G.I., Dept. of Per. & A.R., Notification No. 11 (6)-E. V. (A)/Pen./76, dated the 3rd March, 1980.

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8. Pension subject to future good conduct

(1) (*a*) **Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.**

[1](*b*) **The appointing authority may, by order in writing, withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.**

[2]**Provided that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of** [3][**rupees three hundred and seventy-five**] **per mensem.**

(2) Where a pensioner is convicted of a serious crime by a Court of Law, action under sub-rule (1) shall be taken in the light of the judgment of the court relating to such conviction.

(3) In a case not falling under sub-rule (2), if the authority referred to in sub-rule (1) considers that the pensioner is prima facie guilty of grave misconduct, it shall before passing an order under sub-rule (1),

(*a*) **serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the** [1][**appointing authority**] **such representation as he may wish to make against the proposal; and**

(*b*) **take into consideration the representation, if any, submitted by the pensioner under clause (*a*).**

(4) Where the authority competent to pass an order under sub-rule (1) is the President, the Union Public Service Commission shall be consulted before the order is passed.

(5) An appeal against an order under sub-rule (1), passed by any authority other than the President, shall lie to the President and the President shall, in consultation with the Union Public Service Commission, pass such orders on the appeal as he deems fit.

EXPLANATION.—**In this rule,—**

(*a*) **the expression '*serious crime*' includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923);**

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1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (A), Pen. (A)/79, dated the 19th May, 1980.

2. Inserted by G.I., Dept. of Per. & A.R., Notification No. F. 38 (4) Pen. (A)/80, dated the 8th August, 1980.

3. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

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(*b*) **the expression '*grave misconduct*' includes the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, document or information, such as is mentioned in Section 5 of the Official Secrets Act, 1923 (19 of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the general public or the security of the State.**

GOVERNMENT OF INDIA'S DECISIONS

(1) Stoppage or reduction of pension for reasons other than misconduct not permissible.—Pensions are not in the nature of reward but there is a binding obligation on Government which can be claimed as a right. Their forfeiture is only on resignation, removal or dismissal from service. After a pension is sanctioned its continuance depends on future good conduct *vide* Art. 351, CSR [Rule 8, CCS (Pension) Rules, 1972] but it cannot be stopped or reduced for other reasons.

[G.I., M.F., U.O. No. D-2776/E. V/52, dated the 8th May, 1959.]

(2) Failure/refusal by pensioner to pay Government dues not 'misconduct'.—*See* Decision (6) below Rule 73.

(3) Intimation of cases of convicted pensioners.—Under Art. 351, CSR [Rule 8, CCS (Pension) Rules, 1972] future good conduct is an implied condition of the grant of every pension and Government has the right to withhold or withdraw a pension or any part of it if the pensioner is convicted of a serious crime or found guilty of grave misconduct. It is, therefore, necessary to ensure that cases where pensioners are convicted by a Court of any crime are also brought to the notice of Government. The Government of India, Ministry of Home Affairs, therefore, request that if the State Government have no objection, instructions may kindly be issued to prosecuting officers under the control of the State Government to ensure the prompt intimation of such cases to the administrative authorities concerned in future.

[G.I., M.H.A., O.M. No. 50/2/59-Ests. (A), dated the 7th October, 1959.]

9. Right of President to withhold or withdraw pension

[1][**(1) The President reserves to himself the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement:**

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 7/14/90-P. & P.W. (F), dated the 23rd August, 1991, published as S.O. No. 2287 in the Gazette of India, dated the 7th September, 1991.

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Provided that the Union Public Service Commission shall be consulted before any final orders are passed:

Provided further that where a part of pension is withheld or withdrawn the amount of such pensions shall not be reduced below the amount of rupees three hundred and seventy-five per mensem.]

(2) (*a*) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:

Provided that where the departmental proceedings are instituted by an authority subordinate to the President, that authority shall submit a report recording its findings to the President.

(*b*) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement, or during his re-employment,—

(*i*) shall not be instituted save with the sanction of the President,

(*ii*) shall not be in respect of any event which took place more than four years before such institution, and

(*iii*) shall be conducted by such authority and in such place as the President may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

(3) [1]*Deleted.*

(4) In the case of Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in [2]**[Rule 69] shall be sanctioned.**

(5) Where the President decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government servant.

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1. Deleted by G.I., Dept. of P. & P.W., Notification No. 38/189/88-P. & P.W. (F), dated the 4th February, 1992, published as G.S.R. 55 in the Gazette of India, dated the 15th February, 1992.

2. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1), Pen. (A)/79, dated the 19th May, 1980.

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(6) For the purpose of this rule,—

(*a*) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date; and

(*b*) judicial proceedings shall be deemed to be instituted—

(*i*) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognisance, is made, and

(*ii*) in the case of civil proceedings, on the date the plaint is presented in the court.

GOVERNMENT OF INDIA'S DECISIONS

(1) **Scope of the expression 'grave misconduct'.**—The term 'grave misconduct' used in Art. 351-A of CSR [Rule 9, CCS (Pension) Rules, 1972] is wide enough to include 'corrupt practices'. In cases where the charge of corruption is proved after pension has been sanctioned, action to withhold or withdraw pension may be taken under Art. 351-A ibid [Rule 9, CCS (Pension) Rules, 1972].

The property or pecuniary resources in respect of which the departmental or judicial proceedings are instituted under Article 351-A, CSR or Rule 9 of the CCS (Pension) Rules, 1972, should have been in possession of the person concerned or of any other person on his behalf at any time within the period of four years before the institution of such proceedings, if the same were not instituted while the officer was on duty either before his retirement or during re-employment.

[G.I., M.F., O.M. No. F. 5 (75)-E. V/59, dated the 28th August, 1959 and the 6th October, 1960 and No. 5 (4)-E. V (A)/78, dated the 28th June, 1978.]

Instructions contained above issued with reference to Article 351-A of CSR will continue to apply in relation to action under Rule 9 of the CCS (Pension) Rules, 1972, which has replaced Article 351-A of CSR subject to modification made.

[G.I., M.F., O.M. No. 5 (4)-E. V (A)/78, dated the 28th June, 1978.]

(2) **President's right to withhold or withdraw pension in full is absolute.**—There is nothing in the language of Article 351-A (Rule 9) to restrict the right of the President to withholding only a part of the pension in the case dealt with by this provision. On the other hand, the words "withholding or withdrawing a pension" clearly convey that the President is competent to withhold or withdraw the full pension. While to "restrict the amount of withheld pension to one-third of the pension originally sanctioned" in the order may be applied under the new Article in cases where the order is for recovery of losses from pension, it has no bearing on the

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question of Government's right to withhold or withdraw the pension and Government may order the full pension to be withheld or withdrawn.

[G.I., M.F., U.O. No. 2497/63-Adv. (B), dated the 21st May, 1960, in File No. 37 F. (4)-E. V/60.]

(3) **Final order under Rule 9 will be issued in the name of President.**— 1. It has been clarified in consultation with the Ministry of Home Affairs and the Law Ministry that the function of the Disciplinary Authority is only to reach a finding on the charges and to submit a report recording its findings to the Government. It is then for the Government to consider the findings and take a final decision under Article 351-A, CSRs (Rule 9). In case Government decide to take action under Article 351-A, CSRs (Rule 9), in the light of the findings of the Disciplinary Authority, the Government will consult the Union Public Service Commission. If as a result of such consideration in consultation with the Commission, it is decided to pass an order, necessary orders will be issued in the name of the President.

2. The procedure outlined in the preceding paragraph will also apply to a case where the President functions as the Disciplinary Authority.

[G.I., M.F., O.M. No. F. 19 (9)-E. V/66, dated the 6th June, 1967.]

(4) **When full-fledged enquiry is held no further opportunity to show cause necessary before imposing cut in pension.**—The question whether a second show-cause notice is necessary before taking action under Rule 9 of the CCS (Pension) Rules, 1972, when a full-fledged enquiry under the CCS (CCA) Rules, was conducted and the person concerned was given an opportunity to show cause in the proceedings, was examined in consultation with the Department of Legal Affairs and it has been decided that if a full-fledged enquiry in accordance with the CCS (CCA) Rules has been conducted and the person concerned has been given an opportunity to show cause in the proceedings, it is not necessary to give the pensioner concerned any further opportunity to show cause before imposing the cut in pension.

[G.I., Dept. of P. & P.W., O.M. No. 38/31/86-P. & P.W., dated the 1st January, 1987.]

(5) **Standard forms for proceedings.**—The following forms have been standardised in consultation with the Ministry of Law:—

(*i*) Order conveying the sanction of the President for taking departmental action against a pensioner under Rule 9 of CCS (Pension) Rules, 1972; and

(*ii*) Memorandum of charges, etc., to be communicated to the pensioner concerned in a departmental action under Rule 9 of CCS (Pension) Rules, 1972.

In cases of departmental proceeding against retired Government servants under Rule 9 of CCS (Pension) Rules, 1972, the sanction of the President and the memorandum of charges may be issued in the standard forms.

[G.I., M.H.A., O.M. No. 238/4/66-ADV-II, dated the 4th August, 1964.]

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I

STANDARD FORM OF SANCTION UNDER RULE 9 OF THE CENTRAL CIVIL SERVICES (PENSION) RULES, 1972

No.....
Government of India
Ministry/Department of.....

ORDER

Dated the.....

WHEREAS it has been made to appear that Shri.....while serving as .....in the Ministry/Department.....from.....to..... was (here specify briefly the imputations of misconduct or misbehaviour in respect of which it is proposed to institute departmental proceedings):

NOW, THEREFORE, in exercise of the powers conferred on him by sub-clause (*i*) of clause (*b*) of sub-rule (2) of Rule 9 of the Central Civil Services (Pension) Rules, 1972, the President hereby accords sanction to the departmental proceedings against the said Shri .....

The President further directs that the said departmental proceedings shall be conducted in accordance with the procedure laid down in Rules 14 and 15 of the CCS (CCA) Rules, 1965, by.....(here specify the authority by whom the departmental proceedings should be conducted) at.....(here specify the place at which the departmental proceedings would be conducted).

By order and in the name of the President

*Name and designation of the competent authority**

No.

Copy forwarded to Shri.....

Copy also forwarded to Shri.....

II

STANDARD FORM OF CHARGE-SHEET FOR PROCEEDINGS UNDER RULE 9 OF THE CENTRAL CIVIL SERVICES (PENSION) RULES, 1972

No.....
Government of India
Ministry/Department of.....

MEMORANDUM

Dated the.....

In pursuance of the sanction accorded by the President under Rule 9 of the Central Civil Services (Pension) Rules, 1972, for instituting departmental proceedings against Shri....., *vide* Ministry/Department of.....Order No....., dated,..... it is proposed to hold an inquiry against the said Shri.....in accordance with the procedure laid down in Rules 14 and 15 of the CCS (CCA) Rules, 1965. The enquiry shall be conducted by.....(here specify the authority by whom the departmental proceedings are to be conducted in accordance with the Presidential sanction) at .....(here specify the name of the place where proceedings are to be conducted).

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures III and IV).

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*To be signed by an officer in the appropriate Ministry/Department authorised under Article 77 (2) of the Constitution to authenticate orders on behalf of the President.

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3. Shri.....is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Shri.....is further informed that if he does not submit his written statement of defence on or before the date specified in para. 3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 14 and 15 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said Rules the inquiring authority may hold the inquiry against him *ex parte*.

6. The receipt of this Memorandum may be acknowledged.

By order and in the name of the President

*Name and designation of competent authority**

To

Shri.....
.....

ANNEXURE I

Statement of articles of charge framed against Shri.....(name of the retired Government servant) formerly.....

Article I

That the said Shri.....while functioning as.....during the period.....

Article II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri.....

Article III

That during the aforesaid period and while functioning in the aforesaid office, the said Shri.....

ANNEXURE II

Statement of imputations of misconduct or misbehaviour in support of the articles of charge framed against Shri.....(name of the retired Government servant) formerly.....

Article I

Article II

Article III

ANNEXURE III

List of documents by which the articles of charge framed against Shri..... (name of retired Government servant) formerly.....are proposed to be sustained.

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*To be signed by an officer in the appropriate Ministry/Department authorised under Article 77 (2) of the Constitution to authenticate orders on behalf of the President.

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ANNEXURE IV

List of Witnesses by whom the articles of charge framed against Shri..... (name of the retired Government servant) formerly.....are proposed to be sustained.

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(6) Minor penalty proceedings have no effect on pension.—Sub-rule (1) of Rule 9 of the CCS (Pension) Rules, 1972, confers on the President the right to withhold or withdraw the pension or a part thereof, either permanently or for specified period, and to order recovery from the pension, of the whole or a part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon re-employment on retirement. Sub-rule (2) of this Rule provides that the departmental proceedings, referred to in sub-rule (1), if instituted before the retirement of a Government servant or during his re-employment shall after his final retirement, be deemed to be proceedings under this Rule and shall be continued and concluded. Accordingly, the minor penalty proceedings and the major penalty proceedings, which are instituted against a Government servant while in service and which do not get concluded before the date of retirement, automatically become proceedings under Rule 9 ibid. However, since grave misconduct or negligence cannot be established as a result of minor penalty proceedings, action under Rule 9 ibid for withholding or withdrawing pension, etc., cannot be taken against a pensioner in respect of whom minor penalty proceedings had been instituted and have been continued after retirement. Such minor penalty proceedings continued after retirement, therefore, do not literally have any effect on the pension in the matter of reducing or withholding of his pension. The disciplinary authorities are requested to take note of this position and take steps to see that minor penalty proceedings instituted against Government servants, who are due to retire, are finalised quickly and in time before the date of retirement, so that the need for continuing such minor penalty proceedings beyond the date of retirement does not arise.

[G.I., Dept. of Per. & A.R., O.M. No. 134/17/80-AVD I, dated the 28th February, 1981.]

See *proviso below clause* (*c*) *of sub-rule* (1) *of Rule* 69.

(7) Disciplinary authority who instituted proceedings can drop them without submitting its findings to the President.—Under Rule 9 (2) (*a*) of Pension Rules, 1972, the disciplinary proceedings instituted against an official during the course of his service automatically becomes Presidential proceedings after retirement of the official and the disciplinary authority, if it is subordinate to the President, is required to submit a report recording its findings to the President. A question has been raised whether the disciplinary authority which instituted the proceedings against the official before his retirement, can drop the proceedings itself after superannuation of the official without submitting its findings to the President, if it, on the basis of the defence of the official or the report of the inquiring authority, comes to the conclusion, to drop such proceedings. The

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issue was examined in consultation with the Department of Personnel who have advised that if the disciplinary authority comes to the conclusion that action under Rule 9 of the Pension Rules, is not justified and that the proceedings should be dropped, it would be within the competence of the disciplinary authority to drop the proceedings, since the proceedings have been instituted by that authority. In such cases, therefore, there is no need to submit a report regarding the findings of the disciplinary authority to the President.

[D.G., P. & T., Letter No. 13/6/83-Vig. III, dated the 28th February, 1984.]

(8) Disciplinary proceedings can continue after retirement even in case where there is no pecuniary loss to Government.—The question whether disciplinary proceedings pertaining to a serious or grave act of misconduct/ negligence committed by a Government servant can be continued or instituted in terms of Rule 9 of CCS (Pension) Rules, 1972, or other corresponding rules, even if no pecuniary loss was caused to the Government, has been the subject-matter of a number of Court/Tribunal cases. Because of the fact that divergent views were expressed by different Courts and the Benches of the Central Administrative Tribunal, this issue was referred to a Full Bench of the Central Administrative Tribunal, in case of Amarjit Singh *v.* Union of India [*Administrative Tribunal Reporter* 1988 (2) *CAT* 637]. The Full Bench, after examining the matter at length, have held that institution/continuance of the proceedings is not dependent upon any pecuniary loss being occasioned to the Government. Even in the absence of any pecuniary loss, the pension of a pensioner can be withheld or withdrawn in whole or part, after following the prescribed procedure, for an act of misconduct/negligence committed while in service.

[G.I., Dept. of Per. & Trg., O.M. No. 28027/3/87-Est. (A), dated the 29th June, 1990.]

10. Commercial employment after retirement

(1) If a pensioner who, immediately before his retirement was a member of Central Service Group 'A' wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance [1][by submitting an application in Form 25]:

Provided that a Government servant who was permitted by the Government to take up a particular form of commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

[2](2) Subject to the provisions of sub-rule (3), the Government may, by order in writing, [3][on an application made under sub-rule (1)] by a

1. Inserted by G.I., Dept. of Per. & A.R., Notification No. 29/4/83-Pension Unit, dated the 15th November, 1984 and takes effect from 1st December, 1984.

2. Inserted by G.I., M.F., Notification No. F. 5 (5)-E. V (A)/76, dated the 10th August, 1976.

3. Substituted by G.I., Dept. of Per. & A.R., Notification No. 29/4/83-Pension Unit, dated the 15th November, 1984.

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pensioner, grant, subject to such conditions, if any, as it may deem necessary, permission, or refuse, for reasons to be recorded in the order, permission to such pensioner to take up the commercial employment specified in the application.

[1](3) In granting or refusing permission under sub-rule (2) to a pensioner for taking up any commercial employment, the Government shall have regard to the following factors, namely:—

(*a*) the nature of the employment proposed to be taken up and the antecedents of the employer;

(*b*) whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with Government;

(*c*) whether the pensioner while in service had any such dealing with the employer under whom he proposes to seek employment as it might afford a reasonable basis for the suspicion that such pensioner had shown favours to such employer;

(*d*) whether the duties of the commercial employment proposed involve liaison or contact work with Government departments;

(*e*) whether his commercial duties will be such that his previous official position or knowledge or experience under Government could be used to give the proposed employer an unfair advantage;

(*f*) the emoluments offered by the proposed employer; and

(*g*) any other relevant factor.

[1](4) Where within a period of sixty days of the date of receipt of an application under sub-rule (3), the Government does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the Government shall be deemed to have granted the permission applied for:

[2][Provided that in any case where defective or insufficient information is furnished by the applicant and it becomes necessary for Government to seek further clarifications and/or information from him, the period of sixty days shall be counted from the date on which the defects have been removed and/or complete information has been furnished by the applicant.

[1](5) Where the Government grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Government to that effect, make a representation against any such condition or refusal and the Government may make such orders thereon as it deems fit:

1. Inserted by G.I., M.F., Notification No. F. 5 (5)-E. V (A)/76, dated the 10th August, 1976.

2. Inserted by G.I., Dept. of Per. & A.R., Notification No. 29/4/83-Pension Unit, dated the 15th November, 1984.

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Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-rule without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made.

[1](6) If any pensioner takes up any commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Government or commits a breach of any condition subject to which permission to take up any commercial employment has been granted to him under this rule, it shall be competent for the Government to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to the whole or such part of the pension and for such periods as may be specified in the order:

Provided that no such order shall be made without giving the pensioner concerned an opportunity of showing cause against such declaration:

Provided further that in making any order under this sub-rule, the Government shall have regard to the following factors, namely:—

(*i*) the financial circumstances of the pensioner concerned;

(*ii*) the nature of, and the emoluments from, the commercial employment taken up by the pensioner concerned; and

(*iii*) any other relevant factor.

[1](7) Every order passed by the Government under this rule shall be communicated to the pensioner concerned.

[2](8) In this rule,—

(*a*) the expression "*commercial employment*" means—

(*i*) an employment in any capacity including that of an agent, under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled [3][by the Central Government or a State Government];

(*ii*) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner—

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1. Inserted by G.I., M.F., Notification No. F. 5 (5)-E. V (A)/76, dated the 10th August, 1976.

2. Renumbered by G.I., M.F., Notification No. F. 5 (5)-E. V (A)/76, dated the 10th August, 1976.

3. Substituted by G.I., M.H.A., Dept. of Per. & A.R., Notification No. F. 38/2/81-Pension Unit, dated the 30th April, 1981.

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(A) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or

(B) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position, or

[1][**(C) has to undertake work involving liaison or contact with the offices or officers of the Government.**]

[2](*iii*) [*Deleted.*]

EXPLANATION.—**For the purpose of this clause, the expression "***employment under a co-operative society***" includes the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society.**

(*b*) **the expression "***date of retirement***", in relation to a Government servant re-employed after retirement, without any break, either in the same or in another Group 'A' post under the Government or in any other equivalent post under a State Government, means the date on which such Government servant finally ceases to be so re-employed in Government service.**

GOVERNMENT OF INDIA'S DECISIONS

(1) Special restrictions on engineers of Gazetted rank seeking employment relating to contracts after their retirement.—According to existing instructions, retired engineers of the Central Public Works Department are debarred from working for the department either as contractors or as employees of contractors. It has now been decided that such a ban should be removed and that, as in the case of retired officers of All India Services, and Central Services, Group 'A', retired engineers taking up commercial employment should be required to obtain prior permission of Government, if they seek employment as contractors or under such contractors within two years of retirement.

It has also been decided that the principle should be adopted uniformly in respect of all engineers of Gazetted rank and other Gazetted Officers employed on engineering or administrative duties in the Engineering Department of the Government of India, who after retirement seek employment as contractors for or in connection with the execution of public works (including Railway and Defence works) or as employees of

1. Inserted by G.I., Dept. of Per. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

2. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

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such contractors, within two years of their retirement. Such permission within two years of such an officer's retirement will be given very rarely and only in special circumstances.

No person who is covered by these orders and has not obtained the necessary permission should be given any such contract and a condition should be incorporated in the terms of the contract that it is liable to cancellation if either the contractor himself or any of his employees is found to be a person to whom these orders applied and he had not obtained the necessary permission.

As a further safeguard, it has also been decided that at the time of sanctioning pension, officers of these categories should be required to sign an undertaking that they would not seek such employment within two years of retirement without the prior permission of the Government. In the case of non-pensionable officers, the officers should be required to sign a similar undertaking at the time they are paid the gratuity.

[G.I., M.H.A., Memo. No. 29/1/55-Est., dated the 29th June, 1956.]

(2) **Term "any other relevant factor" explained.**—The criteria for examining requests for permission to take up commercial employment within two years of retirement are laid down in the rule itself, *vide* Rule 10 (3) of the CCS (Pension) Rules, 1972. Clause (*g*) of the aforesaid rule provides for taking into account "any other relevant factor". This would cover matters which may be in the knowledge of the Administrative Ministry but are not covered by the criteria enumerated in the rule itself, as well as matters on which specific instructions may be issued by this Department from time to time supplementing the prescribed criteria.

[G.I., M.H.A. (Dept. of Per. & A.R.), O.M. No. 27012/4/77-Est. (A), dated the 19th March, 1977—Extract.]

(3) **Procedure for grant of permission for commercial employment after retirement.**—1. Rule 10 of the CCS (Pension) Rules, 1972, requires that every retired Group 'A' Officer should take the permission of the Government before he accepts any commercial employment within two years of his retirement. Sub-rule (4) thereof prescribes a time-limit of 60 days from the date of receipt of application for permission to take up post-retirement commercial employment within which a decision should be communicated to the retired officer. Since this time-limit is required to be counted from the date of receipt of the application complete in all respects by the concerned administrative authorities requests for permission to take up post-retirement commercial employment are to be examined expeditiously by all the concerned wings of Government keeping in view the aforesaid time-limit of 60 days.

2. One of the causes for delay in processing of requests for permission for post-retirement commercial employment is the absence of full particulars and the resultant back reference. With a view to ensuring that all relevant particulars are available to the authority considering the application for permission to take post-retirement commercial employment,

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the form of application for permission to be submitted by retired officer, has been amplified. The revised form of application is Form 25. The time-limit of 60 days specified in Rule 10 (4) of the CCS (Pension) Rules, 1972, should be counted only from the date when the application in the prescribed form is submitted with all the particulars called for therein. If defective or insufficient information is furnished by the applicant and it becomes necessary to make further reference to him, the time-limit should be counted only when the defects are removed or complete information is furnished. While writing to the applicant calling for additional information or asking him to supply any omission or to rectify any defect, it should also be made clear to him that the time-limit for deciding on his application will count only when he furnishes all the required particulars or supplies the omission or rectifies the defect(s) in his application.

3. With a view to ensuring expeditious consideration of requests from retired officers for taking up post-retirement commercial employment, Ministries/Departments may initiate examination of such requests at the level of SO/DO. After examination by SO/DO, the case should be submitted direct to the Joint Secretary, who, in turn, will submit the case direct to the Minister-in-charge of the Ministry/Department for his orders. Where the application is received by Heads of Field Office(s) for onward transmission to a Ministry/Department, the consideration of the case should start at the level of the Supervisory Officer-in-charge of the Section dealing with such requests. The Administrative Ministry/Department should maintain a check-list as in Annexure I in regard to cases processed by it in order to ensure that all aspects relating to the case have received proper attention. Ministries/Departments should also maintain a register in the form given in Annexure II to monitor the progress of cases relating to post-retirement commercial employment.

4. As the time-limit of 60 days has to be adhered to in processing all requests for permission to take up post-retirement commercial employment, Ministries and Departments should ensure that the office sponsoring the request does not take more than seven days from the date of the receipt of the application, to forward the same along with their comments. Examination of the case in the Administrative Ministry/Department, including the obtaining of Minister's orders, should not take more than three weeks. Where the case requires to be referred to the Department of Personnel and AR, it should be ensured that such reference is made at least three weeks before the due date for the expiry of the time-limit of 60 days. Where the cases require the approval of the Prime Minister, the references to the Department of Personnel and AR should be made at least 30 days before the due date for the expiry of the time-limit of 60 days so that sufficient time is available for the Administrative Ministry/Department to make the reference to Prime Minister's Office for obtaining Prime Minister's approval. Such references to Prime Minister's Office should be sent by the Joint Secretary concerned in the Administrative Ministry/Department direct to the Prime Minister's Office at his level. In cases which do not require reference to the Department of Personnel

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and AR, and/or to the Prime Minister's Office also, the case should be processed with the least possible delay so as to ensure that a decision is communicated to the retired officer well within the stipulated time-limit of 60 days.

5. Before the case is submitted to the Minister-in-charge for orders, it may be ensured by the Administrative Ministry/Department that the integrity of the retired officer when he was in service is certified.

6. Ministry of Finance, etc., are requested to note these instructions carefully for their guidance and compliance.

[G.I., M.H.A. (D.P. & A.R.), O.M. No. 27012/1/82-Est. (A), dated the 13th October, 1983.]

ANNEXURE I

CHECK-LIST

Subject:—**Grant of permission to retired Group 'A' Officers for commercial employment after retirement—Case of Shri**.....

1. Date of receipt of application in Office/Ministry/Department
2. Date of expiry of 60 days from the date of receipt of application
3. Comments with reference to the prescribed criteria—

Criteria	*Comments*
(*a*) The nature of the employment proposed to be taken up and the antecedents of the employer. (If the firm concerned was blacklisted by Government, this should be clearly indicated)	
(*b*) Are his duties in the employment which he proposes to take up such as might bring him into conflict with Government?	
(*c*) Did the pensioner while in service have any such dealings with the employer under whom he proposes to seek employment as might afford a reasonable basis for the suspicion that the pensioner had shown favours to such employer?	
(*d*) Do the duties of the commercial employment proposed involve liaison or contact work with Government Departments?	
(*e*) Will his commercial duties be such that his previous official position or knowledge or experience under Government could be used to give the proposed employer unfair advantage?	
(*f*) Any other relevant factor	

4. Was the retired official's integrity while in service certified? ...
5. The CR Dossier of the applicant is attached/may be attached by the Ministry/Department of..... ...
6. Recommendation regarding grant or refusal of permission including conditions, if any, subject to which permission may be granted ... ...

Signature of authority recommending the case

Name:

Designation:

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ANNEXURE II

Register for keeping a watch on disposal of cases for grant of permission to Group 'A' Officers for commercial employment after retirement

No.	Name of applicant	Date of initial receipt of complete application in prescribed form in Office/ Department/ Ministry	Date when 60 days from date of initial receipt (as in col. 3) expire	Date of receipt in Ministry/ Department (where application is forwarded to Ministry/ Department)	Date of sending to DP & AR (where applicable)	Date of return from DP & AR (where applicable)	Date of final reply to applicant	File No.
1	2	3	4	5	6	7	8	9

(4) Time-limit of sixty days applicable irrespective of the interim reply given that the matter is under consideration.—1. In para. (*c*) of OM No. 27012/4/77-Estt. (A), dated the 19th March, 1977 (*not printed*), it has been laid down that if a delayed reference is made to this Department, the reasons for delay should be adequately explained, while making the reference and in the meanwhile the retired officer seeking permission for taking up the commercial employment should also be advised properly that his case is under consideration and he should await Government's decision on his request. The intention of the above provision does not appear to have been appreciated in the proper light and some Ministries/ Departments have assumed that once an intimation has been sent to the retired pensioner seeking permission for taking up a commercial employment that his case is under consideration, the time-limit of 60 days, laid down in Rule 10 (4) of the Central Civil Services (Pension) Rules, 1972, will not be applicable at all.

2. Rule 10 (4) of the CCS (Pension) Rules, 1972, envisages a statutory limit of 60 days within which the decision on the request made by a retired pensioner for taking up a commercial employment should be communicated to him and if Government does not refuse the grant of permission and communicate the refusal to the pensioner within the period of 60 days, Government shall be deemed to have granted the permission applied for. As the statutory rule casts a duty on Government to take a decision on the application of the pensioner within a period of 60 days, consideration of such an application cannot be extended beyond that period merely by writing to the petitioner that he should await the decision of the Government in the matter, even after the expiry of the prescribed time-limit. As executive instructions cannot go beyond the specific provisions of the statutory rule, it is clarified for the guidance of all Administrative Ministries/Departments that requests for grant of permission to

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take up commercial employment should be processed expeditiously at every stage and the final decision should invariably be communicated to the applicant within a period of 60 days of the date of receipt of his application or the receipt of the additional information called for from him, if his original application did not contain all the information necessary for processing his case.

[G.I., Dept. of P. & P.W., O.M. No. 27012/14/86-Est. (A), dated the 27th March, 1987.]

(5) **Instructions on submission of commercial employment cases to the Prime Minister/Minister-in-charge.**—1. According to the existing procedure, application submitted by a pensioner belonging to Central Services Group 'A' service who was drawing pay of Rs. 2,500 p.m. (*pre-revised*) and above, is to be considered by a Group of Ministers consisting of the Minister-in-charge of the Ministry/Department concerned and the Minister of State in the Ministry of Personnel, Public Grievances and Pensions. If the officer was holding a post before his retirement from service, appointment to which required approval of Prime Minister or Appointments Committee of the Cabinet, orders of Prime Minister will have to be obtained for granting him permission under Rule 10 (1) of the CCS (Pension) Rules, 1972, to accept commercial employment. Decision on the application submitted by a retired officer who was drawing pay less than Rs. 2,500 p.m. (*pre-revised*) for permission to accept commercial employment could be taken by the Administrative Ministry/Department concerned with the approval of Minister-in-charge, if the case is not required to be submitted to the Prime Minister.

2. Government have reviewed the present procedure of submitting the applications submitted by pensioners for permission to accept commercial employment to Prime Minister for orders, in certain cases. In partial modification of earlier orders it has been decided to lay down the following procedure for dealing with applications submitted by Central Services pensioners for permission to accept commercial employment:—

(*i*) ***Officers who were drawing pay of Rs. 8,000 p.m. or more at the time of retirement***

The application submitted by the pensioner for permission to accept commercial employment shall be placed before the Group of Ministers consisting the Minister of State (Personnel) and the Minister-in-charge of the Ministry/Department concerned, for consideration. If the Group of Ministers recommend grant of permission or if there is disagreement among Group of Ministers on the question of grant of permission the case shall be submitted to Prime Minister for orders. If the Group of Ministers unanimously agree not to grant permission, the case need not be submitted to the Prime Minister.

(*ii*) ***Officers who were drawing pay of Rs. 5,900 or more but less than Rs. 8,000 p.m. at the time of retirement***

Decision on the application submitted by the Pensioner shall be taken by the Group of Ministers consisting of Minister of State (Personnel) and

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the Minister-in-charge of the concerned Ministry/Department for consideration. If there is disagreement among the Group of Ministers, the case shall be submitted to the Prime Minister for orders.

(*iii*) ***Officers who were drawing pay less than Rs. 5,900 p.m. at the time of retirement***

The application submitted by the pensioner shall be disposed of by the Ministry/Department concerned after obtaining the orders of Minister-in-charge.

3. The revised procedure laid down in para. 2 above shall be followed in respect of applications received on or after 1-4-1989, from pensioners seeking permission to accept post-retirement commercial employment.

[G.I., Dept. of Per. & Trg., O.M. No. 27012/24/88-Est. (A), dated the 29th March, 1989.]

(6) Appointment of a retired Group 'A' officer in a private company as a nominee Director by Government or a public financial institution.— The Government has considered the question whether the appointment of a retired Group 'A' officer in a private company, etc., as a nominee Director by the Government or a public financial institution would amount to 'commercial employment' as defined in Rule 10 (8) (*a*) (*i*) and it has been decided as follows:—

(*i*) Where the management of a private company is taken over by a public financial institution/State Government/Central Government, the appointment of a retired Group 'A' officer as Chairman/Managing Director/Director by the public financial institution or the State/Central Government should be construed as employment under a body corporate wholly or substantially owned or controlled by the Government, as the case may be, as envisaged in Rule 10 (8) (*a*) (*i*) of the CCS (Pension) Rules, 1972. Such an employment will not amount to commercial employment and the officer concerned will not be required to obtain prior permission of the Government.

(*ii*) Where a public financial institution/Government appoints a retired Group 'A' officer as Chairman/Managing Director/Director in a company whose management continues in private hand, such employment will technically fall within the ambit of the expression "commercial employment". It is, however, not necessary to treat such employment at par with normal commercial employment as it is the Government or the public financial institution, as the case may be, that seeks to protect its interests through appointment of the retired officer as a nominee Director. The retired officer would be an appointee of the institution or the Government though he would receive his pay or fee from the private company. In such cases approval of the Government for permitting the officer to accept the

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appointment in question under Rule 10 of the CCS (Pension) Rules, 1972, could be presumed.

[G.I., Dept. of Per. & A.R., O.M. No. 27012/26/79-Ests. (A), dated the 16th October, 1979.]

(7) Intimation required in case of retired Group 'B' officers accepting commercial employment.—1. It has been decided by the Government that while Group 'B' officers may not be required to take the prior permission of the Government for accepting commercial employment within two years of retirement they should give an intimation to the Ministry/Department in/or under which they served last before their retirement, if they take up any commercial employment, as defined in sub-rule (8) of Rule 10 of the Central Civil Services (Pension) Rules, 1972, within two years of their retirement. While sending the intimation, they should also specify whether or not they have had any official dealing while in Government service, with the private employer, with whom they are taking up commercial employment.

2. Ministry of Finance, etc., are requested to give the above decision wide publicity among Group 'B' officers under their control.

[G.I., M.H.A., Dept. of Per. & A.R., O.M. No. 27012/16/80-Est. (A), dated the 26th March, 1980.]

(8) Permission to negotiate for commercial employment while in service not to be given unless special reasons exist.—Instances have come to notice where Government servants enter into negotiations with private firms to secure commercial employment even while they are in service under Government. A Government servant is under an obligation to devote his energies whole-heartedly to the performance of his duties and not to divide his attention and effort in search of employment elsewhere. It is, moreover, likely that in initiating such negotiations, the Government servant may in some measure utilise his official position or the official position of his friends and colleagues to further his interests in securing commercial employment or at any rate give reason for an impression that he might have done so. It has, therefore, been decided that no Government servant should negotiate for commercial employment without obtaining the prior permission of the Head of Department, or, if he is a Government servant serving in a Ministry or Department of the Government of India or a Group 'A' officer serving in an office under its control, of the Ministry or Department administratively concerned. It has been decided that such permission should not be given, unless there are any special reasons for doing so.

[G.I., M.H.A., O.M. No. 29/3/66-Ests. (A), dated the 8th February, 1966.]

(9) Employment with black-listed firm not to be considered.—It has been decided that the reputation of the firm which offers employment would also be a consideration which should be taken into account by the Administrative Ministry/Department concerned. For instance, the fact that a firm is black-listed by Government will be one of the factors which will

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render the employment to be considered as not being of a thoroughly reputable kind.

[G.I., C.S. (Dept. of Per.), O.M. No. 29/23/74-Est. (A), dated the 11th February, 1975.]

(10) Employment with a University not commercial.—It has been decided after consulting the Ministry of Home Affairs, that since a University is not engaged in "trading, commerce, industrial or professional business", employment therewith is not commercial employment within the meaning of Article 531-B of the Civil Service Regulations [Rule 10 of the CCS (Pension) Rules, 1972] and as such no permission for such employment is necessary.

[Ministry of W. & H., AV No. 274, dated the 22nd April, 1966.]

(11) Guidelines for granting permission to Group 'A' Officers for commercial employment after retirement.—Rule 10 of CCS (Pension) Rules, 1972, regulates commercial employment of Group 'A' Officers of Central Services within two years of their retirement. Similar provisions in the Indian Railway Establishment Code govern retired Group 'A' officers of Railway Services. Setting up a 'consultancy' is also included in the definition of the phrase 'commercial employment' in Rule 10 (8) of the CCS (Pension) Rules, 1972. However, the setting up of consultancy practice is mainly related to the retired officer's previous official position and the knowledge and experience gained by him during his service under Government. Similar is the position in the case of retired officers governed by Rule 11 of the CCS (Pension) Rules, 1972, in the matter of setting up a legal practice in matters relating to Income Tax, Customs and Central Excise, etc. Officers of the Tribunals, Appellate Boards, etc., who exercise judicial or quasi-judicial powers vested in them by the Acts of Parliament setting up such Tribunals, Boards, etc., and the rules framed thereunder, also seek permission after their retirement to set up practice in matters with which they were concerned, while in service. The matter has, therefore, been reviewed in detail and the following decisions taken:—

(*i*) A liberal view may be taken in considering requests for permission to take up specific jobs under specific employers, as distinct from requests to set up consultancy practice, provided, however, the application satisfies the criteria laid down in Rule 10 (3) of the CCS (Pension) Rules, 1972.

(*ii*) Requests for permission to set up consultancy practice should be considered very strictly. For this purpose, the retired officer should be asked to furnish a complete list of all companies, firms, etc., with which he had dealings while in service. The grant of permission for consultancy practice shall also be subject to the following conditions:—

(*a*) The retired officer shall not accept any consultancy from nor deal in any other manner with the Ministries/Departments in which he was employed or any organisation with which he had official contact while in service under the Government.

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(*b*) The retired officer shall not take up consultancy work on behalf of or with any company/firm/individual in respect of any contract or proposed contract with the Ministries/Departments in which he was employed or any undertaking or body under the control of the said Ministries/departments in which he was employed.

(*c*) That the conditions imposed in granting permission shall remain operative for a period of two years from the date of retirement.

(*iii*) A retired officer who had held posts in Authorities, Boards, Tribunals, etc., involving the discharge of judicial or quasi-judicial functions shall not be given permission to set up any practice which will require appearance before the Authority, Board, Tribunal, etc., having jurisdiction over the areas which were under the jurisdiction of the retired officer during his service.

(*iv*) The case of retired officers of Indian Revenue Service and other officers retiring from the Ministry of Finance, Department of Revenue, will be decided by the Ministry of Finance, under Rule 11 of the CCS (Pension) Rules, 1972. However, before a final decision is taken by the Ministry of Finance, Department of Revenue, a reference shall be made to Department of Personnel and Training, so that a view could also be taken with reference to the criteria prescribed under Rule 10 of CCS (Pension) Rules, 1972, and a composite decision communicated to the applicant. Such a reference will, however, be necessary only in the case of officers retiring from posts in the Senior Management Level (Joint Secretary and above) as is the practice in regard to cases falling within the purview of Rule 10 of CCS (Pension) Rules, 1972.

(*v*) If any officer submits his application for permission for post-retirement commercial employment, before his retirement, such application shall not be entertained. The applicant should be advised to apply afresh after his retirement.

(*vi*) A request for permission to accept Directorship in Companies may be considered liberally if it carries with it only the usual Sitting Fees and Travelling Allowance. However, if any form of compensation, including remuneration or commission is attached to the Directorship, it shall be treated as consultancy and dealt with accordingly, as indicated at item (*ii*) above.

[G.I., Dept. of Per. & Trg., O.M. No. 27012/24/85-Est. (A), dated the 19th August, 1986.]

Group 'A' Government servants retiring voluntarily under the voluntary retirement scheme would continue to be subject to the provisions in the Pension Rules relating to post-retirement commercial employment. However, in their cases, permission for the post-retirement commercial employment will be granted more liberally than in the case of other

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Government servants retiring under the provisions of FR 56 or Rule 48 of the Pension Rules.

[G.I., M.H.A. (D.P. & A.R.), O.M. No. 25013/7/77-Est. (A), dated the 26th August, 1977.]

(12) Retired Group 'A' Officers to furnish half-yearly declaration about acceptance of commercial employment.—Retired Group 'A' officers are required to furnish half-yearly a declaration in the prescribed form about acceptance/non-acceptance of commercial employment within two years from the date of their retirement and also about acceptance/non-acceptance of any employment under any Government outside India.

In cases where the commercial employment has been accepted within two years from the date of retirement without obtaining Government's approval, or the conditions attached thereto by the Government while according approval have been violated at any time within two years from the date of retirement, or employment under any Government outside India or under an International Organisation of which the Government of India is not a member has been accepted, the disbursing officer, on the basis of the declaration furnished by the pensioner will seek orders of the Government through the concerned Accounts Officer, before making further pension payments.

[Rule 353-A of Central Treasury Rules, Volume I.]

For Form of Declaration *see* Appendix 6.

11. Restriction on practice in Income Tax and other cases after retirement

(1) No pensioner who, while in service, belonged to the Indian Revenue Service or who, having been a member of any other Central Service Group 'A', retired from a post under the Department of Revenue and Insurance in the Ministry of Finance, shall set up practice before the expiry of two years from the date of his retirement—

(*a*) in any area which was within the local limit of his jurisdiction during the last three years immediately before his retirement;

(*b*) in areas other than those referred to in clause (*a*) without the previous sanction of the President.

(2) No pension shall be payable to such pensioner who sets up practice in contravention of sub-rule (1) in respect of any period for which he has set up practice or such longer period as the Government may direct.

EXPLANATION.—For the purposes of this rule,—

(*i*) the expression "*practice*" means practice, either independently or as a partner of a firm, [1][or a consultant or adviser] in matters relating to income tax, wealth tax, duties of customs, duties of central excise or estate duty, [1][or as representative] of

1. Substituted by G.I., M.F., Corrigenda No. 6 (1)-E. V (A)/74, dated the 17th May, 1974.

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assessees in proceedings under the enactment relating to the levy of such tax or duty;

(*ii*) the expression "*date of retirement*" shall have the same meaning as in [1][sub-rule (8) of Rule 10].

GOVERNMENT OF INDIA'S DECISION

(1) Guidelines for grant of permission for setting up consultancy practice.—*See* Decision (11) below Rule 10.

12. Employment after retirement under a Government outside India

If a pensioner, who immediately before his retirement was a member of Central Service, Group 'A', wishes to accept any employment under any Government outside India, he shall obtain the previous permission of the Central Government for such acceptance, and no pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or such longer period as the Government may direct:

Provided that a Government servant who was permitted by the Central Government to take up a particular form of employment under any Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

EXPLANATION.—**For the purposes of this rule, the expression "*employment under any Government outside India*" includes employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India, or an employment, under an International Organisation of which the Government of India is not a member.**

GOVERNMENT OF INDIA'S DECISION

(1) Competent authority.—Requests for permission to accept the aforesaid employment (viz., employment after retirement under a Government outside India) shall be considered by the Ministry/Department under which the officer concerned served last prior to his retirement and a decision taken in consultation with the Ministry of External Affairs.

[Para. 6.2 of Chapter XXI, Handbook for Personnel Officers, published by Dept. of Per. and Trg. — 1987 Edition.]

1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

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CHAPTER III

Qualifying Service

13. Commencement of qualifying service

Subject to the provisions of these rules, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity:

Provided that officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post:

Provided further that—

(*a*) in the case of a Government servant in a Group 'D' service or post who held a lien or a suspended lien on a permanent pensionable post prior to the 17th April, 1950, service rendered before attaining the age of sixteen years shall not count for any purpose, and

(*b*) in the case of a Government servant not covered by clause (*a*), service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity.

14. Conditions subject to which service qualifies

(1) The service of a Government servant shall not qualify unless his duties and pay are regulated by the Government, or under conditions determined by the Government.

(2) For the purposes of sub-rule (1), the expression "*Service*" means service under the Government and paid by that Government from the Consolidated Fund of India or a Local Fund administered by that Government but does not include service in a non-pensionable establishment unless such service is treated as qualifying service by that Government.

(3) In the case of a Government servant belonging to a State Government, who is permanently transferred to a service or post to which these rules apply, the continuous service rendered under the State Government in an officiating or temporary capacity, if any, followed without interruption by substantive appointment, or the continuous service rendered under that Government in an officiating or temporary capacity, as the case may be, shall qualify:

Provided that nothing contained in this sub-rule shall apply to any such Government servant who is appointed otherwise than by deputation to a service or post to which these rules apply.

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GOVERNMENT OF INDIA'S DECISIONS

(1) Benefit of service rendered under Government in respect of scientific employees.—*See* Paragraphs 20 to 24 of Appendix 12, Section II (3).

(2) Counting half of the service paid from contingencies with regular service.—Under Article 368 of the CSRs (Rule 14) periods of service paid from contingencies do not count as qualifying service for pension. In some cases, employees paid from contingencies are employed in types of work requiring services of whole-time workers and are paid on monthly rates of pay or daily rates computed and paid on monthly basis and on being found fit brought on to regular establishment. The question whether in such cases service paid from contingencies should be allowed to count for pension and if so, to what extent has been considered in the National Council and in pursuance of the recommendation of the Council, it has been decided that half the service paid from contingencies will be allowed to count towards pension at the time of absorption in regular employment subject to the following conditions, viz.:—

(*a*) Service paid from contingencies should have been in a job involving whole-time employment (and not part-time for a portion of the day).

(*b*) Service paid from contingencies should be in a type of work or job for which regular posts could have been sanctioned, e.g., malis, chowkidars, khalasis, etc.

(*c*) The service should have been one for which the payment is made either on monthly or daily rates computed and paid on a monthly basis and which though not analogous to the regular scale of pay should bear some relation in the matter of pay to those being paid for similar jobs being performed by staffs in regular establishments.

(*d*) The service paid from contingencies should have been continuous and followed by absorption in regular employment without a break.

(*e*) Subject to the above conditions being fulfilled, the weightage for past service paid from contingencies will be limited to the period after 1st January, 1961, for which authentic records of service may be available.

[G.I., M.F., O.M. No. F. 12 (1)-E. V/68, dated the 14th May, 1968.]

It has been decided that half the service paid from contingencies will be allowed to be counted for the purpose of terminal gratuity as admissible under the CCS (TS) Rules, 1965, where the staff paid from contingencies is subsequently appointed on regular basis. The benefit will be subject to the conditions laid down in OM, dated the 14th May, 1968, above.

[G.I., Dept. of Per. & Trg., O.M. No. 12011/1/85-Est. (C), dated the 10th March, 1986.]

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(3) Counting of service rendered in Central Government autonomous bodies before their take-over by Central Government.—1. A question has been raised whether the service rendered in the Central Government autonomous bodies prior to their being taken over by the Central Government and who later on joined the service under the Central Government with or without break, can be allowed to be counted towards pension under the Central Government rules. At present service rendered in the Central Government autonomous bodies which are taken over by the Central Government is allowed to be counted towards pension only in respect of those employees of the Central autonomous bodies who were in the service of those bodies at the time of their being taken over by the Central Government, subject to the condition that the retirement benefits, if any, available to the employees in respect of the service rendered in the autonomous body are made over to the Central Government. The service rendered in the autonomous body in respect of those employees who were not in position at the time of the take-over of the bodies by the Central Government is not allowed to be counted towards pension.

2. It had been represented that this is causing great hardship to the concerned employees who in some cases had considerable length of service in such bodies. This question has, therefore, been carefully considered and it has been decided that the service rendered in the Central autonomous bodies by the employees who left the service of those bodies any time prior to their take-over by the Central Government, and who later on joined service under the Central Government, with or without break, will be allowed to be counted towards pension and/or gratuity to the extent admissible under the rules at the time such persons retire or retired from Government service, the period of break, if any, being condoned. This will, however, be subject to the condition that the gratuity/employer's contribution received in respect of the service rendered in the autonomous bodies will be refunded to the Government with simple interest at the rate of six per cent per annum from the date of receipt to the date of refund.

3. It has also been decided that in relaxation of the relevant rules, the orders above will be applicable in the case of the following categories of the employees referred to above:—

(*i*) Those who are still in service of the Central Government.

(*ii*) Those who have retired from service, but are still alive and are receiving pension on the basis of the service rendered under the Government of India only.

(*iii*) Those who have retired from service and are still alive, but did not receive any pension due to non-counting of the service rendered in the autonomous bodies prior to their joining the service under the Central Government.

[G.I., M.F., O.M. No. F. 3 (15)-E. V (A)/76, dated the 3rd December, 1977.]

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(4) No allocation of pensionary liability between Departments of Central Government.—The rules in regard to allocation or sharing of the liability on account of pensionary charges of Government servants with service under more than one Department among the Departments of the Government of India including Railways, Posts and Telegraphs and Defence Departments contained in Appendix 3-B-II and B-IV to Account Code, Volume I, have been under review of the Government of India for some time. After consideration of the various issues and keeping in view the need for simplifying inter-departmental adjustments it has been decided to dispense with the system of allocation of pension. The liability for pension including gratuity will be borne in full by the Department to which the Government servant permanently belongs at the time of retirement. No recovery of proportionate pension need be made from other Central Department under whom he had served.

It has been decided to extend the above provisions to the Union Territory Governments with or without legislature. Accordingly, there will be no allocation of leave salary/pension contribution among Central Government departments including Railways, P & T, Defence and Union Territory Governments with or without legislature.

Clarification.—The term pension may be treated as including interim/*ad hoc* relief on pension for the above purpose.

[G.I., M.F., O.M. No. F. 2 (117)/76/SC, dated the 26th December, 1977 and Joint Controller-General of Accounts, O.M. No. S. 11031/1/78/TA/725, dated the 23rd February, 1979.]

The above provision shall also cover cases of all Government servants (temporary/quasi-permanent/permanent), who have rendered technical resignation on their selection for service in another department (including Railways/P & T/Defence Departments) within the Government of India and hence the question of allocation of pension (or incidence of leave salary) between such Departments would not arise.

[G.I., M.F., Controller-General of Accounts, O.M. No. S. 11031/1/80/TA/1494, dated the 21st April, 1980.]

(5) Allocation of leave salary and pension contribution between Central and State Governments and between two State Governments dispensed with.—1. The Government of India appointed a Committee to review the existing General Financial Rules and Treasury Rules and Account Code, Volume I and to make conceptual suggestions for their revision so as to simplify and rationalise these rules. The Committee in Chapter 5 of its Second Report has examined the existing system of allocating the liability on account of leave salary and pensionary charges of the Government servants who have served under the Central Government and State Governments as contained in Appendix 3-B-II and B-IV to Account Code, Volume I and made the following recommendations:—

(*a*) The practice of realising leave salary contributions may be dispensed with altogether as this is a very small fraction of amounts payable to State Governments on account of deputation of their officers to the Central Government.

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(*b*) Recovery of leave/pension contributions in respect of inter-State transactions, which must be few and far between and could be given up.

(*c*) In regard to pensionary liability the Central Government may forgo any contribution recoverable from State Governments and to whom Central Government Officers are deputed.

(*d*) In lieu of Central Government liability towards pension of State Government Officers (mainly All India Service Officers) who are deputed to Centre for varying spells an *ad hoc* grant payable to each State Government may be worked out at the beginning of the financial year and disbursed to them in one lump sum as Grant-in-aid (Non-Plan) on the basis of a simple formula which takes into account cadre strength, and average length of deputation on All India Service Officers to Central Government.

2. Pursuant to the above, it has been decided in consultation with the State Governments to dispense with the system of allocation of leave salary and pension between Central and State Governments as specified below—

(*a*) *Leave Salary.*—The existing system of allocation or sharing of the liability on account of leave salary contributions by Central Government to State Governments or vice versa will be dispensed with. The liability of leave salary will be borne in full by the Department from which the Government servant proceeds on leave, whether it be his parent Department or a borrowing Department with whom he is on deputation.

(*b*) *Pension.*—The liability for pension including gratuity will be borne in full by the Central/State Department to which the Government servant permanently belongs at the time of retirement. No recovery of proportionate pension will be made from Central/State Government under whom he had served.

(*c*) *Contributory Provident Fund.*—The liability for Government contributions will be borne by the Parent Department of the Central or State Government and no share of contributions will be recovered from any borrowing Department.

3. It has also been proposed to extend the above provisions to exchange of officers between two State Governments. Accordingly, there will be no allocation of leave salary/pension contribution among the Departments of the various State Governments.

4. These orders will take effect from 1-4-1987 and will apply to all cases of leave salaries and pensions sanctioned on or after that date.

5. This issues with the concurrence of the Comptroller and Auditor-General of India *vide* his UO No. 114-AC. I/163-86, Vol. II, dated 3-10-1986.

[G.I., M.F., C.G.A., O.M. No. 14 (5)/86/TA/1029, dated the 9th October, 1986.]

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Clarification.—References are being received from Union Ministries/ Departments as also the State Governments in regard to the applicability of the above OM to Government employees (temporary/permanent), moved from Central Government to State Governments and vice versa in terms of the Department of Per. & AR, OM No. 3 (20)/Pen. (A)/79, dated 31-3-1982 [*Decision* (6) *below*]. The matter was taken up with the Ministry of Personnel, Public Grievances and Pension (Department of Pension and Pensioners' Welfare), who have since clarified this point as under—

"The Controller-General of Accounts, OM No. 14 (5)/86/TA/1929, dated 9-10-1986, seeks to dispense with the system of sharing pension liability between Centre and State Governments, as contemplated in Appendix 3-B-IV of Account Code, Volume I. It would, therefore, be naturally applicable to all cases where the system of apportionment of pension liability was in vogue prior to its issue, i.e., in respect of both permanent and temporary employees of the Central/State Government, as the case may be."

[G.I., M.F., C.G.A., O.M. No. 14 (5)/86/TA/1112, dated the 5th December, 1989.]

(6) Counting of temporary service under the State/Central Governments.—1. The Government of India have been considering in consultation with the State Governments, the question of sharing on a reciprocal basis, the proportionate pensionary liability in respect of those temporary employees who had rendered temporary service under the Central Government/State Governments prior to securing posts under the various State Governments/Central Government on their own volition in response to advertisements or circulars, including those by the State/Union Public Service Commissions and who are eventually confirmed in their new posts. It has since been decided in consultation with the State Governments that proportionate pensionary liability in respect of temporary service rendered under the Central Government and State Governments to the extent such service would have qualified for grant of pension under the rules of the respective Government, will be shared by the Governments concerned, on a service share basis, so that the Government servants are allowed the benefit of counting their qualifying service both under the Central Government and the State Governments for grant of pension by the Government from where they eventually retire. The gratuity, if any, received by the Government employee for temporary service under the Central or State Governments will, however, have to be refunded by him to the Government concerned.

2. The Government servants claiming the benefit of combined service in terms of the above decision are likely to fall into one of the following categories:—

(1) Those who having been retrenched from the service of Central/ State Governments secured on their own employment under State/Central Governments either with or without interruption between the date of retrenchment and date of new appointment;

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(2) Those who while holding temporary posts under Central/State Governments apply for posts under State/Central Governments through proper channel with proper permission of the administrative authority concerned;

(3) Those who while holding temporary posts under Central/State Governments apply for posts under State/Central Governments direct without the permission of the administrative authority concerned and resign their previous posts to join the new appointments under State/Central Governments.

The benefit may be allowed to the Government servants in categories (1) and (2) above. Where an employee in category (2) is required for administrative reasons, for satisfying a technical requirement, to tender resignation from the temporary post held by him before joining the new appointment, a certificate to the effect that such resignation had been tendered for administrative reasons and/or to satisfy a technical requirement, to join, with proper permission, the new posts, may be issued by the authority accepting the resignation. A record of this certificate may also be made in his service book under proper attestation to enable him to get this benefit at the time of retirement. Government servant in Category (3) will obviously, not be entitled to count their previous service for pension.

3. The above arrangement will not apply to the employees of the Governments of Jammu and Kashmir and Nagaland.

4. These orders come into force with effect from the date of issue and cases of all such Government servants retiring on this date and thereafter will be regulated accordingly.

[G.I., Dept. of Per. & A.R., Letter No. 3 (20)/Pen. (A)/79, dated the 31st March, 1982, addressed to all State Governments except Jammu and Kashmir and Nagaland.]

NOTE.—Sharing of pension liability between Central and State Governments has since been dispensed with from 1-4-1987. See *Decision* (5) *above*.

(7) Special provision in the case of those appointed to Central Service Group 'A'.—1. According to the existing instructions the benefit of counting for pension the continuous temporary service under the State Government immediately preceding the service under the Central Government will not be allowed to those who secure jobs to the Centre on their own volition in response to advertisements or circulars including those by UPSC.

2. It has been observed in this connection that the position of All India Service officers under the relevant rules is different. If State Government employees are successful in the competitive examinations and are appointed to Indian Administrative Service/Indian Police Service/Indian Forest Service, they get the benefit of their past service for pension under Rule 8 (2) of the All India Services (Death-cum-Retirement Benefits) Rules, 1958. In case such an officer allotted to the cadre of a State different to

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the one in which temporary service has been rendered, such service counts subject to the concurrence of the concerned State Government. As against this, persons appointed to Central Service Group 'A' like IA and AS, IRS, etc., do not get the benefit of their past temporary service rendered in a State for pension. This position is discriminatory. It has been decided that the service rendered by temporary State Government servants who are appointed to Central Service Group 'A' as a result of competitive examination held by UPSC, will also count towards pension on the lines of the concessions admissible in the case of All India Service officers as explained above. The pension liability in respect of the temporary service rendered under the State Government will be borne by the respective State Governments on service share basis. [*Sharing of pension liability since dispensed with from* 1-4-1987. See *GID* (5) *above.*]

3. The arrangements envisaged in para. 2 above will not apply to the employees belonging to the State Governments of West Bengal, Madhya Pradesh, Tamil Nadu, Tripura and Maharashtra as Governments of these States have not agreed to the arrangements mentioned in para. 2 above.

[G.I., M.F., O.M. No. F. 3 (38)-E. V (A)/74, dated the 30th June, 1976.]

(8) Counting of service rendered under 'Central Autonomous Body', 'Central Statutory Body', 'Central University', etc., on permanent absorption under Central Government or vice versa.—*See* Orders in Appendix 12.

15. Counting of service on probation

Service on probation against a post if followed by confirmation in the same or another post shall qualify.

16. Counting of service as apprentice

Service as an apprentice shall not qualify, except in the case of SAS apprentice in the Indian Audit and Accounts Department or the Defence Accounts Department.

17. Counting of service on contract

(1) A person who is initially engaged by the Government on a contract for a specified period and is subsequently appointed to the same or another post in a substantive capacity in a pensionable establishment without interruption of duty, may opt either—

(*a*) to retain the Government contribution in the Contributory Provident Fund with interest thereon including any other compensation for that service; or

(*b*) to agree to refund to the Government the monetary benefits referred to in clause (*a*) or to forgo the same if they have not been paid to him and count in lieu thereof the service for which the aforesaid monetary benefits may have been payable.

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(2) The option under sub-rule (1) shall be communicated to the Head of Office under intimation to the Accounts Officer within a period of three months from the date of issue of the order of permanent transfer to pensionable service, or if the Government servant is on leave on that day, within three months of his return from leave, whichever is later.

(3) If no communication is received by the Head of Office within the period referred to in sub-rule (2), the Government servant shall be deemed to have opted for the retention of the monetary benefits payable or paid to him on account of service rendered on contract.

18. Counting of pre-retirement civil service in the case of re-employed Government servants

(1) A Government servant who, having retired on compensation pension or invalid pension or compensation gratuity or invalid gratuity, is re-employed and appointed substantively to a service or post to which these rules apply may exercise option either—

(*a*) to continue to draw the pension or retain the gratuity sanctioned for his earlier service, in which case his former service shall not count as qualifying service, or

[1][(*b*) to cease to draw his pension and refund—

(*i*) the pension already drawn,

(*ii*) the value received for the commutation of a part of pension, and

(*iii*) the amount of [2][retirement gratuity] including service gratuity, if any,

and count the previous service as qualifying service:

Provided that—

(*i*) the pension drawn prior to the date of re-employment shall not be required to be refunded,

(*ii*) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay shall be refunded by him,

(*iii*) the element of pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of his pay shall be set off against the amount of [2][retirement gratuity] and the commuted value of pension and the balance, if any, shall be refunded by him.

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1. Substituted by G.I., M.H.A., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/80, dated the 30th July, 1981.

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

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EXPLANATION.—**In this clause, the expression '*which was taken into account*' means the amount of pension including the pension equivalent of gratuity by which pay of the Government servant was reduced on initial re-employment, and the expression '*which was not taken into account*' shall be construed accordingly.]**

(2) [1]**(*a*) The authority issuing the order of substantive appointment to a service or post as is referred to in sub-rule (1) shall along with such order require in writing the Government servant to exercise the option under that sub-rule within three months of the date of issue of such order, or if he is on leave on that day, within three months of his return from leave, whichever is later and also bring to his notice the provisions of clause (*b*).**

(*b*) If no option is exercised within the period referred to in clause (*a*), the Government servant shall be deemed to have opted for clause (*a*) of sub-rule (1).

(3) In the case of a Government servant who opts for clause (*a*) of sub-rule (1) the pension or gratuity admissible for his subsequent service is subject to the limitation, that service gratuity, or the capital value of the pension and [2][retirement gratuity], if any, shall not be greater than the difference between the value of the pension and [2][retirement gratuity], if any, that would be admissible at the time of the Government servant's final retirement if the two periods of service were combined and the value of retirement benefits already granted to him for the previous service.

NOTE.—The capital value of pension shall be calculated in accordance with the table prescribed by the President under the *Civil Pension (Commutation) Rules applicable at the time of the second or final retirement.

(4) **(*a*) A Government servant who opts for clause (*b*) of sub-rule (1) shall be required to refund the gratuity received in respect of his earlier service, in monthly instalments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which he exercised the option.**

(*b*) The right to count previous service as qualifying service shall not revive until the whole amount has been refunded.

(5) In the case of a Government servant, who, having elected to refund the gratuity, dies before the entire amount is refunded, the amount of unrefunded gratuity shall be adjusted against the [2][death gratuity] which may become payable to his family.

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1. Substituted by G.I., M.F., Notification No. F. 3 (6)-E. V (A)/75, dated the 24th February, 1976.

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

**Now* Central Civil Services (Commutation of Pension) Rules, 1981.

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GOVERNMENT OF INDIA'S DECISION

Re-employed pensioner in receipt of invalid/compensation pension entitled to option under Rule 18 on rendering not less than/expected to complete twenty (now ten) years' temporary service in re-employed post.—1. According to Rule 10 (1-B) of CCS (TS) Rules, 1965, a Government servant who on his retirement from service on attaining the age of superannuation or on his being declared to be permanently incapacitated for further service by the appropriate medical authority after he has rendered temporary service of not less than 20 (*now* 10) years, shall be brought within the purview of the CCS (Pension) Rules, 1972 and the condition of holding a pensionable post in a substantive capacity shall be dispensed with in his case.

2. Cases can occur where a permanent Government servant who has been granted invalid pension under Rule 38 or compensation pension on abolition of permanent post under Rule 39 of the CCS (Pension) Rules, 1972, at a comparatively younger age, is re-employed subsequently and after rendering temporary service of not less than 20 (*now* 10) years is either declared to be permanently incapacitated for further service, or finally retires from service on attaining the age of superannuation. Such a servant will become eligible to earn a second pension in respect of his temporary service. A question arises whether such a person will be eligible to exercise the option available to a re-employed pensioner under sub-rule (1) of Rule 18 of the CCS (Pension) Rules, 1972, which is to be exercised by a re-employed pensioner within three months of his confirmation in a permanent post. The exercise of such option enables him either—

(*a*) to continue to draw the pension (or to retain the gratuity sanctioned for earlier service) in which case his former service shall not count as qualifying service; or

(*b*) to cease to draw his pension and refund the pension and pensionary equivalent of retirement benefits already drawn, in which case the previous service will count as qualifying service.

The condition of holding a post in a substantive capacity for the purpose of eligibility to pension having been relaxed in the case of a Government servant retiring on superannuation pension or on being declared to be permanently incapacitated for further service, after rendering temporary service of not less than 20 (*now* 10) years, the said condition may also be deemed to be relaxed for the purpose of bringing such a person within the ambit of Rule 18 of the CCS (Pension) Rules, 1972. Therefore a Government servant in receipt of invalid or compensation pension in respect of his earlier service, if subsequently re-employed in a pensionable post and retiring as aforesaid will be eligible to exercise option under sub-rule (1) of Rule 18 of the CCS (Pension) Rules, 1972.

3. Re-employed Government servants, who in respect of the second spell of their service have rendered 20 (*now* 10) years' temporary service before attaining the age of superannuation or who expect to complete 20

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(*now* 10) years' service at the time of attaining the age of superannuation, shall be eligible to exercise option under sub-rule (1) of Rule 18 of the CCS (Pension) Rules, 1972. If such a Government servant after exercising the option but before attaining the age of superannuation, ceases to be in service for any reason, the option exercised shall be treated as null and void. If the Government servant concerned opts for the alternative (*a*) of sub-rule (1) of Rule 18 ibid, i.e., to continue to draw the pension (or to retain the gratuity) sanctioned for his earlier service, he shall continue to draw pension for the earlier service in addition to the pension earned for the second spell of service. If he opts for the alternative (*b*) of sub-rule (1) of Rule 18 ibid, i.e., to cease to draw the pension or refund the gratuity, including the retirement gratuity, if any, as the case may be, and to opt to count the previous service as qualifying service, he will draw only one pension based on the sum total of his previous qualifying service and the subsequent spell of service. The amount of pension including gratuity, if any, to be refunded by the Government servant, shall be determined by the Head of Office in accordance with the provisions of clause (*b*) of sub-rule (1) of Rule 18 of the CCS (Pension) Rules, 1972.

4. The option referred to in the preceding paragraph may be exercised at the time of completing the application for pension in the form prescribed for the purpose (Form 5), i.e., about eight months prior to attaining the age of superannuation. If no option is exercised within the aforesaid period, the Government servant concerned shall be deemed to have opted for the alternative (*a*) of sub-rule (1) of Rule 18 of the CCS (Pension) Rules, 1972, in which case he will draw pensions for both spells of service separately.

5. The provisions of paragraphs 2, 3 and 4 above shall also apply to a military pensioner who is re-employed in a civil service or civil post and completes not less than 20 (*now* 10) years' temporary service before attaining the age of superannuation. Such a pensioner will exercise option under Rule 19 of the CCS (Pension) Rules, 1972, in the light of the position stated in paragraphs 2, 3 and 4 above.

[G.I., Dept. of Per. & A.R., O.M. No. 38/5/81-Pension Unit, dated the 5th March, 1982.]

19. Counting of military service rendered before civil employment

(1) A Government servant who is re-employed in a civil service or post before attaining the age of superannuation and who, before such re-employment, had rendered [1][ ] military service after attaining the age of eighteen years, may, on his confirmation in a civil service or post, opt either—

1. The word 'regular' omitted by G.I., M.H.A., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/80, dated the 30th July, 1981.

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(*a*) to continue to draw the military pension or retain gratuity received on discharge from military service, in which case his former military services shall not count as qualifying service; or

[1](*b*) to cease to draw his pension and refund—

(*i*) the pension already drawn, and

(*ii*) the value received for the commutation of a part of military pension, and

(*iii*) the amount of [2][retirement gratuity] including service gratuity, if any,

and count previous military service as qualifying service, in which case the service so allowed to count shall be restricted to a service within or outside the employee's unit or department in India or elsewhere which is paid from the Consolidated Fund of India or for which pensionary contribution has been received by the Government:

Provided that—

(*i*) the pension drawn prior to the date of re-employment shall not be required to be refunded,

(*ii*) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay on re-employment shall be refunded by him,

(*iii*) the element of pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of pay shall be set off against the amount of [2][retirement gratuity] and the commuted value of pension and the balance, if any, shall be refunded by him.

EXPLANATION.—In this clause, the expression '*which was taken into account*' means the amount of pension including the pension equivalent of gratuity by which the pay of the Government servant was reduced on initial re-employment, and the expression '*which was not taken into account*' shall be construed accordingly.

(2) [3](*a*) The authority issuing the order of substantive appointment to a civil service or post as is referred to in sub-rule (1) shall along with such order require in writing the Government servant to exercise the option under that sub-rule within three months

1. Substituted by G.I., M.H.A., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/80, dated the 30th July, 1981.

2. Substituted *vide* G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

3. Substituted by G.I., M.F., Notification No. F. 3 (6)-E. V (A)/75, dated the 24th February, 1976.

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of date of issue of such order, if he is on leave on that day, within three months of his return from leave, whichever is later and also bring to his notice the provisions of clause (*b*).

(*b*) If no option is exercised within the period referred to in clause (*a*), the Government servant shall be deemed to have opted for clause (*a*) of sub-rule (1).

(3) (*a*) A Government servant, who opts for clause (*b*) of sub-rule (1) shall be required to refund the pension, bonus or gratuity received in respect of his earlier military service, in monthly instalments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which he exercised the option.

(*b*) The right to count previous service as qualifying service shall not revive until the whole amount has been refunded.

(4) In the case of a Government servant, who, having elected to refund the pension, bonus or gratuity, dies before the entire amount is refunded, the unrefunded amount of pension or gratuity shall be adjusted against the [1][death gratuity] which may become payable to his family.

(5) When an order is passed under this rule allowing previous [2][ ] military service to count as part of the service qualifying for civil pension, the order shall be deemed to include the condonation of interruption in service, if any, in the military service and between the military and civil services.

[3]NOTE.

GOVERNMENT OF INDIA'S DECISIONS

(1) Re-employed military pensioners should exercise option under Rule 19 (1) within one year from the date of re-employment.—1. Under Rule 19 (1) of the CCS (Pension) Rules, 1972, a Government servant who is re-employed in a civil service or post is required to give an option at the time of his confirmation in the civil post whether he would like to get past military service counted for pension in the civil post or service. The Government had issued orders *vide* OM No. 38/16/Pension Unit/80, dated the 30th December, 1980, allowing the Government servants to get pension after completion of twenty years of service either on invalidation or superannuation. In pursuance of Government decisions on the recommendations of the Fourth Central Pay Commission, the Government has further decided *vide* OM No. 2/4/87-PIC, dated the 14th April, 1987,

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

2. The word 'regular' omitted by G.I., M.H.A., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/80, dated the 30th July, 1981.

3. Omitted by G.I., M.H.A., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/80, dated the 30th July, 1981.

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that a Government servant will get pension under the CCS (Pension) Rules, either on superannuation or on invalidation after rendering ten years of temporary service in the Government. In view of the relaxation allowed recently to temporary Government servants, the matter has been engaging attention of the Government to allow benefit under Rule 19 (1) of the CCS (Pension) Rules, 1972, also to Government servants who retire on superannuation without confirmation. It has been decided that all those Government servants who retire on superannuation or invalidation without confirmation after rendering not less than ten years of combined military and civil service shall be entitled to the benefit of counting of service under Rule 19 (1). The provision of Rule 19 (1) may be deemed to have been modified accordingly. Necessary amendment to the Rule will be issued in due course.

2. It has also been decided that a Government servant applying for counting of service under Rule 19 (1) may be allowed to exercise option for the same within a period of one year from the date of joining the civil service or post. The refund of pension, gratuity, etc., already drawn by such Government servants from the Military authorities shall be refunded to the Government with interest from the date of their joining the civil service. The rate of interest would be simple interest at 6% per annum. The other conditions as mentioned under Rule 19 of the CCS (Pension) Rules, will remain unaltered.

3. In order to facilitate compliance with the requirement of exercising option in time, it has been further decided that the administrative authorities concerned should incorporate in the order of re-employment itself a clause to the effect that if the re-employed ex-serviceman desires to take advantage of the retirement benefits based on combined military and civil services, he should exercise option within a period of one year from the date of his re-employment.

4. These orders take effect from the date of issue.

[G.I., Dept. of P. & P.W., O.M. No. 28/50/87-P. & P.W., dated the 31st May, 1988 and O.M. No. 28/49/87-P. & P.W., dated the 26th February, 1988.]

(2) Counting of service in the case of civilians working in lieu of combatants.—It has been decided that the service rendered by the civilians working in lieu of combatants in the three Service Headquarters and other Defence Establishments will count for pension when followed by other pensionable civil service, in the same manner as extra-temporary establishment/casual service, subject to the normal conditions for counting casual service when followed by pensionable civil service being fulfilled.

[G.I., M.F., Defence, Letter No. 18 (8)/70/4300/D (Civ-II), dated the 25th April, 1970.]

(3) Counting of service in the case of Ex-DSC personnel.—It has been decided that ex-Defence Security Corps personnel on their re-employment in any civil post will be permitted to count in full of the former service

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rendered by them in the Defence Security Corps for the purpose of pension and gratuity.

[G.I., Min. of Defence, Letter No. 77956/GS/DSC-2/1674/D (Civ. II), dated the 17th February, 1968 and No. F. 18 (5)/75/D (Civ. II), dated the 25th July, 1978.]

(4) Counting of non-regular/purely temporary military service for civil pension.—Continuous military (non-regular/purely temporary) service not rendered in conjunction with war service in the Army, the Navy and the Air Force will count in full towards civil pension if such service is followed without interruptions by appointment to and eventual confirmation in a pensionable post in civil service. The grant of this concession is subject to the following conditions:—

(1) The officer concerned should not have earned a pension under the military rules in respect of the service in question.

(2) In the case of services or posts in respect of which a minimum age is fixed for recruitment, no military service rendered below that age shall be allowed to count for pension.

(3) If the officer has been granted any retirement gratuity in respect of such service, such gratuity shall be refundable.

[G.I., M.F., O.M. No. F. 3 (58)-E. V (A)/61, dated the 3rd February, 1962.]

(5) Counting of Enlisted/Commissioned Military Service shown as non-pensionable/war time engagement for the purpose of civil pensions.—A question has arisen as to whether the Enlisted/Commissioned Military Service which is shown as non-pensionable by the Defence Authorities in the Certificate of Verification of Military Service, should count towards civil pension in the case of persons who are permanently appointed to civil posts.

The position is that in the Defence Services there are no non-pensionable establishments and the service officers/personnel are either on regular or non-regular terms. Those who are on regular terms are entitled to pension/gratuity after rendering the prescribed periods of service and others who are not on regular terms are entitled to gratuity as admissible under the rules/orders in accordance with which they are engaged. Non-regular Military service when followed by service on regular terms counts for Military pension. In the circumstances, the service which is shown as non-pensionable/war time engagement is in fact non-regular (purely temporary) military service and will be allowed to count towards civil pension.

[G.I., M.F., O.M. No. F. 3 (71)-E. V (A)/63, dated the 1st October, 1964.]

20. Counting of war service rendered before civil employment

(1) A Government servant who, prior to his appointment in a civil service or post against war reserved or other permanent vacancy which arose for direct recruitment before the 1st January, 1948, had rendered satisfactory paid whole-time, enlisted or commissioned war service in the

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Armed Forces of India or in similar forces of a Commonwealth country during the period from the 3rd September, 1939 to the 1st April, 1946, which did not earn a service pension under the military rules, shall be allowed to count such service, including all kinds of leave on full rates of pay and sick leave taken during such service, as qualifying service, subject to the following conditions, namely:—

(*a*) in the case of a service or post in respect of which a minimum age is fixed for recruitment, no war service rendered below that age shall count as qualifying service;

(*b*) no contribution towards or share of pension earned as a result of counting war service rendered in a force of a Commonwealth country shall be claimed from the Government of that country;

(*c*) no refund of bonus or gratuity in respect of war service shall be demanded from the Government servant concerned.

(2) War service rendered by a Government servant who was appointed substantively to a civil service or post against vacancies which arose after the 31st December, 1947, shall, subject to the conditions specified in sub-rule (1), be treated as military service as provided in Rule 19.

21. Counting of periods spent on leave

All leave during service for which leave salary is payable [1][and all extraordinary leave granted on medical certificate] shall count as qualifying service:

Provided that in the case of extraordinary leave [1][other than extraordinary leave granted on medical certificate] the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to a Government servant—

[2](*i*) *Omitted.*

(*ii*) due to his inability to join or rejoin duty on account of civil commotion; or

(*iii*) for prosecuting higher scientific and technical studies.

GOVERNMENT OF INDIA'S DECISIONS

(1) Need for making proper entries for treatment of extraordinary leave for pensionary benefits.—Under Rule 21 of the CCS (Pension) Rules, 1972, extraordinary leave granted on medical certificate qualifies for pension. The appointing authority may, at the time of granting extraordinary leave, also allow the period of such leave to count as qualifying for pension if the leave is granted to a Government servant—

1. Inserted by G.I., M.F., Notification No. F. 3 (12)-E. V (A)/73, dated the 5th September, 1973.

2. Deleted by G.I., M.F., Notification No. F. 3 (12)-E. V (A)/73, dated the 5th September, 1973.

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(*i*) due to his inability to join or rejoin duty on account of civil commotion, or

(*ii*) for prosecuting higher technical and scientific studies.

Extraordinary leave taken on other grounds is treated as non-qualifying and, therefore, a definite entry is to be made in the service records to that effect. Entries regarding service being qualifying or otherwise are required to be made simultaneously with the event. Even where this is not done, it should still be possible to rectify the omission during the period allowed for preparatory action, i.e., from two years in advance of the retirement date up to eight months before retirement. At the end of that period, however (i.e., when the actual preparation of the pension papers is taken in hand), no further enquiry into past events or check of past records should be undertaken. Specific entries in the service records regarding non-qualifying periods will be taken note of and such periods excluded from the service. All spells of extraordinary leave not covered by such specific entries will be deemed to be qualifying service.

[G.I., M.F., O.M. No. F. 11 (3)-E. V (A)/76, dated the 28th February, 1976—Paragraph 3 (*a*).]

(2) Counting of leave taken during military service for civil pension.—Doubts have been expressed in regard to the extent to which leave taken during military service should count for civil pension. The intention is that leave taken during military service counts as service for civil pension to the extent to which such leave would count as service for the purpose of pension if the officer concerned had been a temporary civil employee throughout.

[G.I., M.F., O.M. No. F. 3 (26)-E. V (A)/60, dated the 7th September, 1960.]

(3) Extraordinary leave granted for prosecuting higher technical and scientific studies, etc., automatically counts as qualifying service.—It has been decided that extraordinary leave sanctioned for the following purposes shall automatically count as qualifying service for pension and for increments without any further sanctions:—

(*i*) EOL granted due to inability of a Government servant to join or rejoin duty on account of civil commotion.

(*ii*) EOL granted to a Government servant for prosecuting higher technical and scientific studies.

[G.I., Dept. of Per. & Trg., O.M. No. 13017/20/85-Est. (L), dated the 18th February, 1986.]

22. Counting of periods spent on training

The Government may, by order, decide whether the time spent by a Government servant under training immediately before appointment to service under that Government shall count as qualifying service.

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GOVERNMENT OF INDIA'S DECISIONS

(1) Pre-appointment training period counts as qualifying service.— 1. The Staff Side of the National Council (JCM) had suggested *inter alia* that the service rendered by an employee during the training period before his regular appointment to the grade may be treated as qualifying service for pension.

2. The request made by the Staff Side of the National Council (JCM) has been examined and it has now been decided that in respect of Groups 'C' and 'D' employees, who are required to undergo departmental training relating to jobs before they are put on regular employment, training period may be treated as qualifying service for pension, if the training is followed immediately by an appointment. This benefit will be admissible to all Groups 'C' and 'D' employees even if the officers concerned are not given the scale of pay of the post but only a nominal allowance.

3. The Ministry of Finance, etc., are requested to bring the above decision to the notice of all officers working under them including those in the attached and subordinate offices for their guidance.

4. These orders come into force with effect from 22nd December, 1983.

5. Benefit of these orders will be available to all those employees who retired on or after 22nd December, 1983.

6. No restriction is imposed on the admissibility of the above benefit to the employees who were recruited in 'C' and 'D' posts but retired from Groups 'A' and 'B' posts.

[G.I., Dept. of Per. & A.R., O.M. No. 28/32/81-Pension Unit, dated the 22nd December, 1983; Dept. of P. & P.W., O.M. No. 28/37/86-P. & P.W., dated the 12th September, 1986, deleting the words 'up to one year', dated the 6th June, 1989; and Letter, dated the 28th September, 1989, addressed to M/s. Swamy Publishers (P) Ltd.]

(2) Treatment of the interruption between training and regular appointment.—Reference Decision (1) above, some of the Circles, etc., have raised a doubt about treating the period of interruption between training period and regular appointment which is caused due to journey from training place to the posting place or the non-availability of post, etc. The position has been examined in consultation with the Department of Personnel and Administrative Reforms and clarified as follows:—

It is mentioned that the Decision (1) above is effective from the date of issue, i.e., 22-12-1983. Thus, the benefits of this order can be given to an officer who is in service on that day and retires thereafter.

As regards treating the interruption period in between training period and regular appointment, it is stated that the training should be followed immediately by an appointment which means that there should not be any interruption. Even, if any interruption falls between the training period and regular appointment that should not exceed the joining time admissible

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under the relevant rules for the purpose of benefit to be given under Decision (1) above.

In view of the position stated, it is requested that this provision may be brought to the notice of all concerned subordinate units including P & T Training Centres.

[D.G., P. & T., Memo. No. 4/4/84-Pen., dated the 18th July, 1984.]

(3) Condonation of administrative delay in issuing posting order after training, for counting training period for pension.—1. Rule 22 of CCS (Pension) Rules, 1972 and Government of India's Instructions issued on the subject from time to time provide that a period of training can be counted as qualifying service for the purpose of pensionary benefits if the training is immediately followed by appointment. Even if any interruption falls between the training period and regular appointment that should not exceed the joining time admissible under the relevant rules.

2. But instances have come to notice where there has been administrative delay in giving appointment letters, etc., after the training period is over and the appointment takes more time than the joining time admissible under the relevant rules.

3. The question as to how the intervening period in such type of cases can be treated if it exceeds the joining time admissible and the delay on the part of the Government in giving appointment letters and as to whether that intervening period can be condoned, was referred to Department of Pension and Pensioners' Welfare who have advised that in cases where the delay is purely administrative, they have no objection to condoning the said period.

4. They have further advised that effort should be made to eliminate the administrative delays particularly where it is known in advance that the trainees have to be given final appointment letters, etc.

[G.I., Dept. of Telecom., Letter No. 36-14/88-NB/T/Pen., dated the 25th June, 1990.]

23. Counting of periods of suspension

Time passed by a Government servant under suspension pending inquiry into conduct shall count as qualifying service where, on conclusion of such inquiry, he has been fully exonerated or the suspension is held to be wholly unjustified; in other cases, the period of suspension shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares at the time that it shall count to such extent as the competent authority may declare.

GOVERNMENT OF INDIA'S DECISIONS

(1) Need for making proper entries for counting of periods of suspension.—Rule 23 of the CCS (Pension) Rules, 1972, requires that in cases other than those in which suspension has been held to be wholly unjustified, the competent authority should at the appropriate time declare

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whether and to what extent the period of suspension will count towards the qualifying service. Specific entries in this regard in the service book/ records will be taken note of at the time of reckoning qualifying service. In the absence of any specific entry, period of suspension shall be taken as counting towards the qualifying service.

[G.I., M.F., O.M. No. F. 11 (3)-E. V (A)/76, dated the 28th February, 1976—Paragraph 3 (*b*).]

(2) Suspension should be held wholly unjustified when the proceedings end with minor penalty.—1. The Staff Side of the Committee of the National Council set up to review the CCS (CCA) Rules, 1965, had suggested that in cases where a Government servant, against whom an inquiry has been held for the imposition of a major penalty, is finally awarded only a minor penalty, the suspension should be considered unjustified and full pay and allowances paid for suspension period. Government have accepted this suggestion of the Staff Side. Accordingly, where departmental proceedings against a suspended employee for the imposition of a major penalty finally end with the imposition of minor penalty, the suspension can be said to be wholly unjustified in terms of FR 54-B and the employee concerned should, therefore, be paid full pay and allowances for the period of suspension by passing a suitable order under FR 54-B.

2. These orders will become effective from 3rd December, 1985. Past cases already decided need not be reopened.

[G.I., Dept. of Per. & Trg., O.M. No. 11012/15/85-Est. (A), dated the 3rd December, 1985.]

[*For regularisation of periods of suspension* see *Fundamental Rules* 54, 54-A, 54-B *and Administrative Instructions thereunder.*]

24. Forfeiture of service on dismissal or removal

Dismissal or removal of a Government servant from a service or post entails forfeiture of his past service.

GOVERNMENT OF INDIA'S DECISION

Termination of service under Temporary Services rules or under the term of appointment for failure to pass prescribed examination, does not entail forfeiture of past service.—The Government of India in consultation with the Ministry of Home Affairs, have held that the termination of service either under CCS (TS) Rules,1965 or under the terms of appointment for failure to pass a prescribed examination does not amount to dismissal or removal within the meaning of Article 418 (*a*) CSR (Rule 24). A Government servant whose services are terminated for failure to pass prescribed examination and who is appointed to another post without any break, will count his previous service towards leave and pension.

[C.A.G.'s Letter No. 2092-NGEI/73-67, dated the 23rd September, 1967.]

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25. Counting of past service on reinstatement

(1) A Government servant who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.

(2) The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement, and the period of suspension, if any, shall not count as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement.

[See *Fundamental Rules* 54 *and* 54-A.]

[1]26. Forfeiture of service on resignation

(1) Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service.

(2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.

(3) Interruption in service in a case falling under sub-rule (2), due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

(4) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely:—

(*i*) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;

(*ii*) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;

(*iii*) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days;

1. Substituted by G.I., M.F., Notification No. F. 6 (12)-E. V (A)/72, dated the 7th April, 1977.

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(*iv*) **that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.**

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.

[1][**(7) A resignation submitted for the purpose of Rule 37 shall not entail forfeiture of past service under the Government.**]

GOVERNMENT OF INDIA'S DECISIONS

(1) When resignation a technical formality and when it subsists.—A Government servant intending to apply for a post or posts outside his parent office/department under the Government of India should have his application forwarded through the competent authority under whom he was serving at the time of applying for the post. Such an authority should either forward the application or withhold it according as the exigencies of public service may indicate but it should not forward the application conditionally, for example, that in the event of the applicant coming out successful, he will be required to resign his post before taking up the new one. Once the application has been forwarded unconditionally and the person concerned is offered the post applied for, he should be relieved of his duties to join the new post as a matter of course and the question of his resigning the post held by him in such circumstances should not arise. Accordingly the amended article is intended to cover the cases where even though the applications were forwarded by the competent authority, the applicant had been asked for one reason or the other to resign his post before taking up the new one. The above position holds good whether the Government servant held the post in permanent or temporary capacity, before resigning the post.

Situations may arise where the application of a Government servant was not forwarded and the Government servant resigned his appointment of his own volition with a view to his taking up the new post or where it was not possible to forward his application in the public interest but the Government servant had volunteered to resign his post or where the conditions of service in an office demand as a matter of policy that the

1. Inserted by G.I., Dept. of P. & P.W., Notification No. 4/15/88-P. & P.W. (D), dated the 9th October, 1991, published as S.O. No. 2740 in the Gazette of India, dated the 2nd November, 1991.

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Government servant should resign his post in the event of his taking up another post outside. In all such cases, it has been held that resignation of public service will subsist and entail forfeiture of past service.

It has been decided that in cases where Government servants apply for posts in the same or other departments through proper channel and on selection, they are asked to resign the previous posts for administrative reasons, the benefit of past service may, if otherwise admissible under rules, be given for purposes of fixation of pay in the new post treating the resignation as a 'technical formality'. The pay in such cases may be fixed under FR 27.

[G.I., M.F., Letter No. 35 (15)-E. V/60, dated the 21st September, 1960, to the Secretary to the Government of Orissa, Finance Department, Bhubaneshwar and G.I., M.F., O.M. No. 3379-E. III (*b*)/65, dated the 17th June, 1965.]

According to M.H.A., O.M. No. 60/37/63-Ests. (A), dated the 14th July, 1967 (*not printed*), permanent/quasi-permanent Central Government servant appointed under another Central Government department has to resign from his parent department unless he reverts to that Department within a period of two years (three years in exceptional cases) of his appointment in the other department. The Government of India have been considering whether this resignation should entail forfeiture of past service for purpose of leave and pension of the Government servant concerned. It has been decided that such a resignation should be deemed to be resignation within the meaning of Article 418 (*b*) of CSRs [Rule 26 (2)] for pension. As a consequence of this decision, continuity of service benefit should be allowed in the matter of leave also.

[Extract from M.H.A., O.M. No. 8/5/68-Ests. (C), dated the 19th December, 1969.]

(2) **Procedure to be followed in accepting resignation from service.**— Instructions issued from time to time on resignation have now been consolidated for facility of reference and guidance of all the Ministries/Departments of the Government of India.

1. ***Format of resignation.***—Resignation is an intimation in writing sent to the competent authority by the incumbent of a post, of his intention or proposal to resign the office/post either immediately or from a future specified date. A resignation has to be clear and unconditional.

2. ***Circumstances under which resignation should be accepted.***—It is not in the interest of Government to retain an unwilling Government servant in service. The general rule, therefore, is that a resignation of a Government servant from service should be accepted, except in the circumstances indicated below—

(*i*) Where the Government servant concerned is engaged on work of importance and it would take time to make alternative arrangements for filling the post, the resignation should not be accepted straightaway but only when alternative arrangements for filling the post have been made.

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(*ii*) Where a Government servant, who is under suspension, submits a resignation, the competent authority should examine, with reference to the merit of the disciplinary case pending against the Government servant, whether it would be in the public interest to accept the resignation. Normally, as Government servants are placed under suspension only in cases of grave delinquency, it would not be correct to accept a resignation from a Government servant under suspension. Exceptions to this rule would be where the alleged offences do not involve moral turpitude or where the quantum of evidence against the accused Government servant is not strong enough to justify the assumption that if the departmental proceedings were continued, he would be removed or dismissed from service, or where the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation.

In those cases where acceptance of resignation is considered necessary in the public interest, the resignation may be accepted with the prior approval of the Head of the Department in respect of Groups 'C' and 'D' posts and that of the Minister-in-charge in respect of holders of Groups 'A', and 'B' posts. In so far as Group 'B' officers serving in Indian Audit and Accounts Department are concerned, the resignation of such officers shall not be accepted except with the prior approval of the Comptroller and Auditor-General of India. Concurrence of the Central Vigilance Commission should be obtained before submission of the case to the Minister-in-charge/Comptroller and Auditor-General, if the Central Vigilance Commission had advised initiation of departmental action against the Government servant concerned or such action has been initiated on the advice of the Central Vigilance Commission.

3. A resignation becomes effective when it is accepted and the Government servant is relieved of his duties. If a Government servant who had submitted a resignation, sends an intimation in writing to the appointing authority withdrawing his earlier letter of resignation *before* its acceptance by the appointing authority, the resignation will be deemed to have been automatically withdrawn and there is no question of accepting the resignation. In case, however, the resignation had been accepted by the appointing authority and the Government servant is to be relieved from a future date, if any request for withdrawing the resignation is made by the Government servant before he is actually relieved of his duties, the normal principle should be to allow the request of the Government servant to withdraw the resignation. If, however, the request for withdrawal is to be refused, the grounds for the rejection of the request should be duly recorded by the appointing authority and suitably intimated to the Government servant concerned.

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4. ***Rules governing temporary Government servants.***—Since a temporary Government servant can sever his connection from Government service by giving a notice of termination of service under Rule 5 (1) of the Central Civil Services (TS) Rules, 1965, the instructions contained in this Office Memorandum relating to acceptance of resignation will not be applicable in cases where a notice of termination of service has been given by a temporary Government servant. If, however, a temporary Government servant submits a letter of resignation in which he does not refer to Rule 5 (1) of the CCS (TS) Rules, 1965, or does not even mention that it may be treated as a notice of termination of service, he can relinquish the charge of the post held by him only after the resignation is duly accepted by the appointing authority and he is relieved of his duties and not after the expiry of the notice period laid down in the Temporary Service Rules.

5. ***Withdrawal of resignation—statutory rule regulating cases of withdrawal of resignation from Government service.***—The procedure for withdrawal of resignation after it has become effective and the Government servant had relinquished the charge of his earlier post, are governed by the statutory provisions in sub-rules (4) to (6) of Rule 26 of the CCS (Pension) Rules, 1972, which corresponds to Art. 418 (*b*) of the Civil Service Regulations.

6. Since the CCS (Pension) Rules, 1972, are applicable only to holders of permanent posts, the above provisions would apply only in the case of a permanent Government servant who had resigned his post. The cases of withdrawal of resignation of permanent Government servants which involve relaxation of any of the provisions of the above rules will need the concurrence of the Ministry of Personnel, Public Grievances and Pensions, as per Rule 88 of the CCS (Pension) Rules, 1972.

7. ***Withdrawal of resignation by quasi-permanent Government servants.***—Cases of quasi-permanent Government servants requesting withdrawal of resignation submitted by them would be considered by the Department of Personnel and Training on merits.

8. ***Release of Government servants for appointment in Central Public Enterprises.***—A Government servant who has been selected for a post in a Central Public Enterprise/Central Autonomous Body may be released only after obtaining and accepting his resignation from the Government service. Resignation from Government service with a view to secure employment in a Central Public Enterprise with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits. In such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organisation.

9. ***When resignation is a 'technical formality'.***—In cases where Government servants apply for posts in the same or other departments

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through proper channel and on selection, they are asked to resign the previous posts for administrative reasons, the benefit of past service may, if otherwise admissible under rules, be given for purposes of fixation of pay in the new post treating the resignation as a 'technical formality'.

[G.I., Dept. of Per. & Trg., O.M. No. 28034/25/87-Est. (A), dated the 11th February, 1988.]

(3) Procedure to be followed when benefit of past service is allowed.—Under Rule 26 (2) of CCS (Pension) Rules, 1972, resignation of an appointment to take up, with proper permission, another appointment, whether permanent or temporary, service in which counts in full or in part, is not resignation from public service. A question has been raised whether in such cases a separate sanction should be issued indicating that resignation has been accepted under the above provisions, in order to enable the Accounts Officer to regulate the consequential benefits in the matter of pay fixation, carry forward of leave, pension, etc. The matter has been considered in consultation with the Comptroller and Auditor-General and it has been decided that in cases of the above type the order accepting the resignation should clearly indicate that the employee is resigning to join another appointment with proper permission and that the benefits under Rule 26 (2) will be admissible to him. The contents of the above order should also be noted in the service books of the individuals concerned under proper attestation. The issue of any separate sanction has not been considered necessary.

An entry may be made in the service book of the Government servant concerned under proper attestation as laid down above in past cases also where it has been decided to allow the benefits of Rule 26 (2).

[G.I., M.F., O.M. No. F. 3 (6)-E. V (A)/71, dated the 4th December, 1971 and dated the 20th May, 1972.]

27. Effect of interruption in service

(1) An interruption in the service of a Government servant entails forfeiture of his past service, except in the following cases:—

(*a*) authorised leave of absence;

(*b*) unauthorised absence in continuation of authorised leave of absence so long as the post of absentee is not filled substantively;

(*c*) suspension, where it is immediately followed by reinstatement, whether in the same or a different post, or where the Government servant dies or is permitted to retire or is retired on attaining the age of compulsory retirement while under suspension;

(*d*) transfer to non-qualifying service in an establishment under the control of the Government if such transfer has been ordered by a competent authority in the public interest;

(*e*) joining time while on transfer from one post to another.

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(2) Notwithstanding anything contained in sub-rule (1), the [1][appointing authority] may, by order, commute retrospectively the periods of absence without leave as extraordinary leave.

GOVERNMENT OF INDIA'S DECISION

(1) Treatment of wilful absence from duty not regularised.—Wilful absence from duty, even though not covered by grant of leave does not entail loss of lien. The period of absence not covered by grant of leave shall have to be treated as "*dies non*" for all purposes, viz., increment, leave and pension. Such absence without leave where it stands singly and not in continuation of any authorised leave of absence will constitute an interruption of service for the purpose of pension and unless the pension sanctioning authority exercises its powers under Article 421, Civil Service Regulations [now rule 27 of the CCS (Pension) Rules] to treat the period as leave without allowance, the entire past service will stand forfeited.

[Comptroller and Auditor-General's U.O. No. 1947-A/438-58, dated the 12th September, 1958, in Government of India's Ministry of Finance, File No. 11-(52), E. V/58.]

[1]28. Condonation of interruption in service

(*a*) In the absence of a specific indication to the contrary in the service book, an interruption between two spells of civil service rendered by a Government servant under Government including civil service rendered and paid out of Defence Services Estimates or Railway Estimates shall be treated as automatically condoned and the pre-interruption service treated as qualifying service.

(*b*) Nothing in clause (*a*) shall apply to interruption caused by resignation, dismissal or removal from service or for participation in a strike.

(*c*) The period of interruption referred to in clause (*a*) shall not count as qualifying service.

GOVERNMENT OF INDIA'S DECISIONS

(1) Condonation of unauthorised absence for purpose of pension.—Instructions have been issued from time to time that unauthorised absence in pursuance of concerted action by a group of employees acting in combination should be treated as unauthorised absence resulting in break in service. Fundamental Rule 17-A has also been introduced which enumerates the disabilities that would occur as a result of break in service. It has been noticed that in a few cases of unauthorised absence as a result of concerted action a few appointing authorities did not condone the break under Rule 27 of the Pension Rules for counting the previous service which adversely affected the pension of the officials. In this connection it needs

1. Substituted by G.I., D.P. & A.R., Notification No. 6 (1), Pen. (A)/79, dated the 19th May, 1980.

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to be pointed out that the principles to be adopted for condonation of break in service for purposes of pension and that for purposes of other disabilities enumerated in FR 17-A are different. The fact that break in service has not been condoned for purposes of Leave Travel Concession, quasi-permanency and eligibility to appear at departmental examinations should and need not influence the appointing authority adversely in deciding the question of condonation of break for counting the past service of the official for purposes of pension. It is not the intention of Government to deny pensionary benefits to the employees in all cases of break of service. If necessary, the appointing authority may, in its discretion, not condone the break-in-service on account of unauthorised absence for purposes of pension only in exceptional and grave circumstances and not as a matter of course. The question of condonation of break-in-service for the purpose of Pension Rules may be considered *suo motu* without waiting for a representation from the affected officials and orders issued so that the retired employees are not put to financial hardship. It is requested that these instructions may be brought to the notice of all the appointing authorities for their information and guidance.

[D.G., P. & T.'s Letter No. 14/12/82-Vig. III, dated the 23rd September, 1982.]

Non-condonation of break-in-service for concomitant disabilities should not be the guiding factor for non-condonation of break-in-service for purpose of pension under Rule 27 of the Pension Rules.

[D.G., P. & T.'s Letter No. 14/12/82-Vig. III, dated the 23rd April, 1983.]

(2) Opportunity of representation to be given to Government servant before making entry in service book regarding forfeiture of past service.— 1. FR 17-A provides that a period of an unauthorised absence, in the category of cases mentioned therein, shall be deemed to cause an interruption or break in the service of the employee, unless otherwise decided by the competent authority for certain purposes. An order passed by the P & T authorities in the case of some of their employees invoking FR 17-A was struck down by the Lucknow Bench of Allahabad High Court on the ground that issue of such an order without giving a reasonable opportunity of representation and being heard in person, if so desired, to the person concerned, would be against the principle of natural justice. In this Department's OM of even number, dated 20/23-5-1985 [Order (1) below FR 17-A], it was accordingly brought to the notice of all Ministries/ Departments that an order under FR 17-A, etc., should be preceded by extending to the person concerned a reasonable opportunity of representation and being heard in person, if so desired by him/her.

2. The Committee on Subordinate Legislation of Rajya Sabha which examined the provision of Rule 28 of the CCS (Pension) Rules, 1972, has recommended that opportunity of representation should be given to the Government employee before making entry in the Service Book regarding forfeiture of past service because of his participation in strike. While giving evidence before it, the Committee has been assured that the provisions of this Department's OM of even number, dated 20/23-5-1985, will

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be strictly adhered to in each and every case falling within the scope of clause (*b*) of Rule 28 of the CCS (Pension) Rules, 1972.

3. These instructions are, therefore, brought to the notice of the various Ministries/Departments of the Government of India for careful compliance.

[G.I., Dept. of Per. & Trg., O.M. No. 33011/2 (S)/84-Est. (B), dated the 10th March, 1988.]

[1]29. Addition to qualifying service when a Government servant is declared surplus

A Government servant who, on being declared surplus to the establishment in which he was serving, is eligible for the facility of being re-deployed through the Central (Surplus Staff) Cell located in the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions or in the case of a Group 'D' employee, through the Directorate General, Employment and Training and opts to retire voluntarily, instead of seeking re-deployment, shall be entitled to have five years added to the qualifying service rendered by him:

Provided that—

(*a*) **notwithstanding anything contained in the first proviso to Rule 13, the qualifying service rendered by such Government servant shall be not less than fifteen years on the date on which he exercises such option and the qualifying length of service after taking into account the aforesaid addition is not more than the service he could have rendered had he retired on the date of his superannuation; and**

(*b*) **the option to retire is exercised and is communicated to the authority competent to sanction pension within a period of two months from the date from which the employee concerned has been declared surplus.**

[2]30. Addition to qualifying service in special circumstances

(1) [3][A Government servant who retires from a service or post after the 31st March, 1960], shall be eligible to add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeded twenty-five

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 38/57/87-P. & P.W., dated the 27th July, 1987, published in the Gazette of India as S.O. No. 1966, dated the 8th August, 1987.

2. Substituted by G.I., M.F., Notification No. 3 (11)-E. V (A)/73, dated the 2nd April, 1975.

3. Substituted by G.I., Dept. of P. & P.W., Notification No. 28/51/86-P. & P.W., dated the 10th February, 1988, published as S.O. No. 662 in the Gazette of India, dated the 19th March, 1988.

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years or a period of five years, whichever is less, if the service or post to which the Government servant is appointed is one—

(*a*) for which post-graduate research, or specialist qualification or experience in scientific, technological or professional fields, is essential; and

(*b*) to which candidates of more than twenty-five years of age are normally recruited:

Provided that this concession shall not be admissible to a Government servant unless his actual qualifying service at the time he quits Government service is not less than ten years:

Provided further that this concession shall be admissible only if the recruitment rules in respect of the said service or post contain a specific provision that the service or post is one which carries the benefit of this rule.

[1][Provided also that this concession shall not be admissible to those who are eligible for counting their past service for superannuation pension unless they opt before the date of their retirement, which option once exercised shall be final, for the weightage of service under this sub-rule forgoing the counting of the past service.]

*(2) A Government servant who is recruited at the age of thirty-five years or more, may, within a period of three months from the date of his appointment, elect to forgo his right to pension whereupon he shall be eligible to subscribe to a Contributory Provident Fund.

(3) The option referred to in sub-rule (2) once exercised, shall be final.

GOVERNMENT OF INDIA'S DECISIONS

(1) Benefit admissible to all those who retire after 31-3-1960.— 1. Rule 30 of the CCS (Pension) Rules, 1972, as it stands, provides for addition to qualifying service in the case of a Government servant appointed to a service or post after 31st March, 1960. Normally the claims for pensionary benefits are regulated by the provisions of rules as in force at the time when a Government servant retires or is retired, etc. The Government has been considering the removal of this incongruity. The President has now been pleased to decide that the benefit of added years of service under Rule 30 of the CCS (Pension) Rules, 1972, will be admissible to all those who retire from service or post after 31st March, 1960 and who are otherwise eligible under Rule 30. The provision of Rule 30 (1) of the CCS (Pension) Rules, 1972, may be deemed to have been modified accordingly. Necessary amendment to the rule will be issued in due course (since amended).

2. These orders take effect from the date of issue.

[G.I., Dept. of P. & P.W., O.M. No. 28/51/86-P. & P.W., dated the 28th October, 1987.]

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1. Inserted by G.I., Dept. of P. & P.W., Notification No. 28/40/88-P. & P.W. (B), dated the 9th January, 1992, published as G.S.R. No. 39 in the Gazette of India, dated the 1st February, 1992.

*Regarding change over to pension scheme from CPF, please *see* Appendix 13.

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(2) Past cases to be reopened at the request of the pensioners and the arrears paid from 19-3-1988.—Will the Department of Pension and Pensioners' Welfare kindly refer to their OM No. 28/51/86-P. & P.W., dated 28-10-1987 [Decision (1) above], regarding added years of service under Rule 30 of the CCS (Pension) Rules, 1972—amendment to?

While giving our concurrence in the applicability of the abovementioned order contained in the draft Notification to the persons working in the IA & AD, we had suggested that the procedure for reopening of past cases be spelt out for facilitating its implementation and also to spell out the date from which arrears would be payable. But, the final OM, dated 28-10-1987, issued by the Department does not clarify these points. The Department of Pension and Pensioners' Welfare is, therefore, requested to issue necessary orders spelling out the procedure, etc., to be followed in the above matter for smooth implementation of the Government orders.

[C. & A.G., New Delhi, U.O. No. 101-Audit. I/103-86, dated the 1st February, 1988.]

Comptroller and Auditor-General of India may please refer to their UO No. 101-Audit. I/103-86, dated 1-2-1988, on the above subject. As is the prevalent practice, the cases would be reopened on the request of the pensioners concerned. As regards the arrears, the same will be admissible from the date of publication of the said amendment in the Gazette (i.e., 19-3-1988).

[G.I., Dept. of P. & P.W., U.O. No. 28/51/86-P. & P.W., dated the 7/15th March, 1988, received under C. & A.G., New Delhi, Lr. No. 395-Audit. I/103-86/II-88 (53), dated the 5th May, 1988.]

31. Period of deputation to United Nations and other organisations

A Government servant deputed on foreign service, for a period of [1][five years or more], to the United Nations' Secretariat or other United Nations' Bodies, the International Monetary Fund, the International Bank of Reconstruction and Development, or [1][the Asian Development Bank or the Commonwealth Secretariat], may at his option—

(*a*) pay the pension contributions in respect of his foreign service and count such service as qualifying for pension under these rules; or

(*b*) avail of the retirement benefits admissible under the rules of the aforesaid organisation and not count such service as qualifying for pension under these rules:

Provided that where a Government servant opts for clause (*b*), retirement benefits shall be payable to him in India in rupees from such date and in such manner as the Government may, by order, specify:

1. Substituted by G.I., M.F., Notification No. 19 (28)-E. V (A)/74, dated the 17th June, 1975.

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Provided further that pension contributions, if any, paid by the Government servant, shall be refunded to him.

For orders issued by the Government of India, see *Government of India's Orders under FR* 121 *in Swamy's Compilation of the Fundamental Rules and the Supplementary Rules.*

[1]32. Verification of qualifying service after 25 years service, or 5 years before retirement

[2](1) On a Government servant completing twenty-five years of service or on his being left with five years of service before the date of retirement, whichever is earlier, the Head of Office in consultation with the Accounts Officer shall, in accordance with the rules for the time being in force, verify the service rendered by such a Government servant, determine the qualifying service and communicate to him, in Form 24, the period of qualifying service so determined.

(2) Notwithstanding anything contained in sub-rule (1), where a Government servant is transferred to another department from a temporary department or on account of the closure of the department he had been previously serving or because the post he held had been declared surplus, [3][ ] the verification of his service may be done whenever such event occurs.

[4](3) The verification done under sub-rules (1) and (2) shall be treated as final and shall not be reopened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for pension.

GOVERNMENT OF INDIA'S DECISION

(1) Strict compliance of the requirements of sub-rule (1).—Sub-rule (1) of Rule 32 of the CCS (Pension) Rules, 1972, provides that on a Government servant completing twenty-five years of service, or on his being left with five years of service before the date of retirement, whichever is earlier, the Head of Office in consultation with the Accounts Officer, shall, in accordance with the rules for the time being in force, verify the service rendered by such a Government servant, determine the qualifying service and communicate to him, in Form 24, the period of qualifying service so determined.

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1. Substituted by G.I., M.F., Notification No. 11 (1)-E. V (A)/73, dated the 14th July, 1975.

2. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1), Pen. (A)/79, dated the 19th May, 1980.

3. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (1), Pen. (A)/79, dated the 19th May, 1980.

4. Substituted by G.I., M.F., Notification No. 4 (2)-E. V (A)/77, dated the 12th December, 1977.

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Even though these provisions have statutory force, it is noticed that the qualifying service is not invariably communicated to the Government servant as required under the rules. All Ministries/Departments, etc., are requested to bring these provisions to the notice of Heads of Offices for strict compliance. If the Head of Office does not comply with the requirements of the aforesaid rule or in case any mistake in the calculation of qualifying service is detected later, the Head of Office will be held personally accountable.

Ministry of Agriculture, etc., may take all measures to ensure that Heads of Offices in fact follow the rules as above and to take up cases of default by the Heads of Offices with a view to fixing personal responsibility.

[G.I., Dept. of Per. & A.R., O.M. No. 40/17/81-Pension Unit, dated the 26th November, 1981 and Dept. of P. & P.W., O.M. No. 38/44/88-P. & P.W., dated the 26th May, 1988.]

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CHAPTER IV

Emoluments and Average Emoluments

33. Emoluments

[1][**The expression '*emoluments*' means basic pay as defined in Rule 9 (21) (*a*) (*i*) of the Fundamental Rules which a Government servant was receiving immediately before his retirement or on the date of his death; and will also include non-practising allowance granted to medical officer in lieu of private practice.**]

[2][EXPLANATION.—**Stagnation increment shall be treated as emoluments for calculation of retirement benefits.**]

NOTE 1.—If a Government servant immediately before his retirement or death while in service had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be the emoluments for the purposes of this rule:

Provided that any increase in pay (other than the increment referred to in Note 4) which is not actually drawn shall not form part of his emoluments.

NOTE 2.—Where a Government servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the Government servant would have continued to hold the higher appointment but for his proceeding on leave.

NOTE 3.—If a Government servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purposes of this rule.

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1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W., (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988. Takes effect from 1st January, 1986.

2. Inserted by G.I., Dept. of P. & P.W., Notification No. 38/52/90-P. & P.W/A, dated the 5th March, 1991, published as S.O. No. 1294 in the Gazette of India, dated the 11th May, 1991. Takes effect from the 1st January, 1986, *vide* O.M. No. 38/52/90-P. & P.W./A, dated the 31st October, 1990.

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[1][NOTE 4.—If a Government servant immediately before his retirement or death while in service, was on earned leave, and earned an increment which was not withheld, such increment, though not actually drawn, shall form part of his emoluments:

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days, or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days.]

[2]NOTE 5.—*Deleted.*

NOTE 6.—Pay drawn by a Government servant while on deputation to the Armed Forces of India shall be treated as emoluments.

NOTE 7.—Pay drawn by a Government servant while on foreign service shall not be treated as emoluments, but the pay which he would have drawn under the Government had he not been on foreign service shall alone be treated as emoluments.

[3]NOTE 8.—Where a pensioner who is re-employed in Government service elects in terms of clause (*a*) of sub-rule (1) of Rule 18 or clause (*a*) of sub-rule (1) of Rule 19 to retain his pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension, the element of pension by which his pay is reduced shall be treated as emoluments.

[2]NOTE 9.—*Deleted.*

[4]NOTE 10.—When a Government servant has been transferred to an autonomous body consequent on the conversion of a Department of the Government into such a body and the Government servant so transferred opts to retain the pensionary benefits under the rules of the Government, the emoluments drawn under the autonomous body shall be treated as emoluments for the purpose of this rule.

GOVERNMENT OF INDIA'S DECISIONS

(1) Counting of emoluments drawn by officers while on deputation from State to Centre.—When a State Government employee comes on deputation to the Central Government, he is generally granted a deputation special pay in addition to his usual pay. Till lately the question whether any part of this deputation special pay could be reckoned as 'emoluments' for calculating pension used to be decided by the Central

1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

2. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

3. Inserted by G.I., M.F., Notification No. 2 (3)-E. V (A)/73, dated the 16th July, 1975 and takes effect from the 3rd May, 1974.

4. Inserted by G.I., M.F., Notification No. F. 2 (5)-E. V (A)/77, dated the 30th June, 1977 and takes effect from the 16th July, 1977.

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Government with reference to their rules on the subject. Recently this practice was reviewed by the Government of India in consultation with the Comptroller and Auditor-General and the State Governments. It was held that since a State Government employee, while on temporary deputation to the Central Government, did not become subject to the rules and orders of the latter Government, and his pension was otherwise calculated under the rules of the State Government of which he was a permanent employee, the practice of applying Central Government rules to determine the quantum of deputation special pay which should count for pension was incongruous. It has, therefore, been decided that henceforth in cases of deputation of State Government employees to the Central Government, the question whether any part of the deputation special pay received by such an employee will count for pension will be decided by the State Government concerned with reference to their own rules on the subject. If for proper application of the State Government rules any question arises regarding the exact nature and classification of the deputation special pay, the State Government will consult the Central Government who alone would be aware of the precise reasons for which the additional remuneration was granted. Similarly when a State Government employee on deputation to the Central Government holds a temporary or officiating appointment on a regular time-scale, the question whether any part of the difference between the pay, which he actually draws while on deputation and that which he would have drawn from the State Government but for his deputation, should count for pension will be decided by the State Government with reference to their pension rules.

The same arrangement will apply in reverse in the case of Central Government employees who are sent on deputation to State Governments.

The above instructions will not apply in cases of officers on deputation to the Central Government from the State of Jammu and Kashmir or vice versa.

The Jammu and Kashmir Government's arrangement in cases of deputation from and to that Government is different from that of other Governments. They pay or recover leave and pension contributions monthly, as the case may be, and thus the pensionary liability of the borrowing Government is discharged concurrently.

[G.I., M.F., O.M. No. F. 8 (5)-E. V (C)/61, dated the 2nd July, 1962 and O.M. No. F. 2 (6)-E. V (A)/72, dated the 10th January, 1974 and M.H.A., Dept. of Per. & A.R., O.M. No. 27/4/81-Pension Unit, dated the 22nd May, 1982, extending the scope to the States of Punjab and Haryana respectively.]

(2) Rank Pay drawn while on deputation to APS treated as pay.—It has been decided in consultation with the Department of Pension and Pensioners' Welfare that the Rank Pay drawn by Postal Officers as part of Military Pay while on deputation to APS during the last ten months preceding their date of retirement shall be reckoned as pay for purpose of computing their Civil Pension. These orders will take effect from 1-1-1986.

[Dept. of Posts, Letter No. 26-21/87-Pen., dated the 13th December, 1988.]

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34. Average Emoluments

Average emoluments shall be determined with reference to the emoluments drawn by a Government servant during the last [1][ten months] of his service.

NOTE 1.—If during the last [1][ten months] of his service a Government servant had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments:

Provided that any increase in pay (other than the increment referred to in Note 3) which is not actually drawn shall not form part of his emoluments.

NOTE 2.—If, during the last [1][ten months] of his service, a Government servant had been absent from duty on extraordinary leave, or had been under suspension the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the [1][ten months] shall be included.

[2][NOTE 3.—In the case of a Government servant who was on earned leave during the last ten months of his service and earned an increment, which was not withheld, such increment though not actually drawn shall be included in the average emoluments:

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days.]

GOVERNMENT OF INDIA'S DECISIONS

(1) Average emoluments during erroneous reversion.—Some cases have come to notice of the Government in which owing to administrative errors persons not due for reversion were reverted and repromoted after lapse of some period resulting in decrease in their pensions due to non-inclusion of the emoluments which they would have received but for their reversion for the purpose of calculation, *vide* Rule 3 under Article 487 of the CSRs [Rule 34]. It is considered that in such cases it would not be fair to put the persons concerned to a recurring loss in the form of reduced pension. It has therefore been decided that in cases of wrongful reversion, where on repromotion the pay of the individual is fixed in

1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1), Pen. (A)/79, dated the 19th May, 1980. Takes effect from 1st March, 1976.

2. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (2) Pen. (A)/79, dated the 1st August, 1980.

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accordance with the provisions of sub-paragraph 2 (1) (*a*) of G.I., M.H.A., O.M. No. 9/49/54, R.P.S., dated the 24th April, 1958, for purpose of the pension, the pay the individual would have drawn but for his reversion should be taken into account.

[G.I., M.H.A., O.M. No. 50/6/59-Est. (A), dated the 5th December, 1959.]

(2) "Emoluments" in cases where pay and allowances for the period of suspension is restricted to subsistence allowance and pay scale revised meanwhile.—1. A question has been raised as to what emoluments are to be taken into account for calculating the pension in the case of a person who has been suspended and subsequently reinstated without forfeiture of past service, the pay and allowances for the suspension period being restricted to the subsistence allowance already drawn. The Ministry of Finance had clarified that the difference between the subsistence allowance and emoluments which he would have drawn had he not been suspended cannot be treated as increase in pay for the purpose of proviso to Note 1 below Rule 34 of CCS (Pension) Rules, 1972.

2. A case has come to notice where an official was placed under suspension in 1965, but was reinstated in 1974 and the orders of reinstatement stated that the period of suspension would be counted as duty for all purposes but the pay and allowances in respect of the period of suspension would be restricted to the subsistence allowance already drawn. In this case, as per rules, the pay on reinstatement was to be fixed in the revised scale introduced with effect from 1-1-1973 and notionally regulated increments due duly allowed. In this connection, for the purpose of determining pensionary benefits, it is hereby clarified that having fixed the pay in the revised scale it would not be correct to certify that the employee concerned would continue to draw pay in the old scale from 1-1-1973 onwards, had he not been suspended. The old scale, having been replaced by the revised scale with effect from 1-1-1973, the correct course would be to take into account the notional pay in the revised scale for the period from 1-1-1973 onwards.

[G.I., Dept. of Per. & A.R., O.M. No. 27/1/81-Pension Unit, dated the 5th April, 1982.]

(3) Determination of the period of ten months for Average Emoluments.—In accordance with item 18 (*i*) of Form 7 (Form for assessing pension and gratuity) and note (*ii*) under item (19) of Part I, Section I of Form 18, of the CCS (Pension) Rules, 1972, the calculation of average emoluments is to be based on the actual number of days contained in each month. Doubts have been expressed in regard to the exact manner of calculation in the case of a Government servant who retires on a date other than the last date of the month. A point has also been raised whether the period of ten months should be taken to be continuous period beginning from a date ten months prior to the date of retirement or the number of days in the month in which the Government servant retires should be counted separately together with the balance number of days during the ten months anterior, to make a full month. This can best be explained by the illustration below—

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Suppose a Government servant retires on the 17th June, 1981. The intention is that the average emoluments for ten months should be reckoned for the periods as follows:—

Period			Year	Months	Days
18-8-80 to 31-8-80	...	...	0	0	14
1-9-80 to 31-5-81	...	...	0	9	0
1-6-81 to 16-6-81	...	...	0	0	16
			0	10	0

It will be noted that at one end there are 14 days of August and at the other 16 days of June. In order that the fractions of a month at either end, when added, work out to one full month, a month for this purpose may be reckoned as consisting of thirty days so that fractions at either end will be expressed as 14/30 and 16/30. The addition of fractions totalling 30 days together with 9 full months will work out to 10 months. Emoluments for fractional periods may be computed by multiplying the emoluments by the factor 14/30 and 16/30 irrespective of the number of days in the month. This formula will also apply in the case of the month of February, irrespective of whether the month has 28 days or 29 days.

[G.I., M.H.A., O.M. No. 27/3/81-Pension Unit, dated the 13th November, 1981.]

(4) Computation of average emoluments for the period of leave prior to retirement without return to parent department while on reversion from deputation.—The procedure for determining the emoluments and average emoluments for purpose of pension under the Central Civil Services (Pension) Rules, 1972, has been laid down under Rules 33 and 34. The position in respect of Government servants who is on deputation to the Armed Forces or foreign service or on deputation from one Department to another in this regard has also been clarified *vide* Notes 6 and 7 below Rule 33 ibid. There is, however, no provision as to what should be the pay for computing the average emoluments in respect of deputationist from one Department to another, who while under orders for reversion to parent Department instead of joining duty under parent Department (where the pay of the post might be different) gives notice to retire voluntarily and also applies for leave co-terminus with the period of notice. It has been decided that in such cases, the emoluments for the leave period for the purpose of calculation of retirement benefits should be taken as what they would have been, had he not been absent from duty from the post he was holding under the borrowing Department before he proceeded on such leave.

[G.I., Dept. of Per. & A.R., O.M. No. 35 (1)/83-Pen. Unit, dated the 30th December, 1983.]

(5) Computation of 'average emoluments' in the case of those opting for revised scales of pay under CCS (RP) Rules, 1986 and retiring within ten months.—In the case of Government servants who have opted for the

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revised scales of pay and retire within ten months from the date of coming over to the revised scale, 'average pay' for ten-month period preceding retirement shall be calculated by taking into account pay as follows:—

(*i*) For the period during which pay is drawn in pre-revised scale:

(*a*) *For the period prior to* 1-1-1986.

The emoluments drawn during pre-1-1-1986 period will include besides basic pay, the special pay, personal pay, etc., as defined in FR 9 (21) together with DA, ADA, *Ad hoc* DA and Interim Relief admissible thereon actually drawn by the retiring employee.

(*b*) *For the period from* 1-1-1986:

Basic pay as defined in FR 9 (21) (*a*) (*i*) *plus* DA, ADA, *Ad hoc* DA up to 608 points CPI, Interim Relief (I and II instalments) appropriate to the basic pay drawn during the relevant period.

(*ii*) For the period during which pay is drawn in revised scale:

Basic pay in the revised scales, Stagnation increment, Non-Practising Allowance granted to medical officers in lieu of private practice, if any.

[G.I., Dept. of P. & P.W., O.M. No. 2/1/87-PIC II, dated the 14th April, 1987; No. 2/1/87-PIC, dated the 9th June, 1987; O.M. No. 2/1/PIC, dated the 8th December, 1987; and O.M. No. 38/52/90-P. & P.W./A, dated the 31st October, 1990. M.F., O.M. No. 7 (15)-E. III/87, dated the 18th September, 1987.]

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CHAPTER V

Classes of pensions and conditions governing their grant

35. Superannuation pension

A superannuation pension shall be granted to a Government servant who is retired on his attaining the age of compulsory retirement.

GOVERNMENT OF INDIA'S DECISIONS

(1) Retirement on the afternoon of last day of the month in which superannuation falls.—It has been decided that as from 1st day of November, 1973, the Civilian Government servants in Groups 'B', 'C' and 'D' services of posts and as from 1st day of April, 1974, the Civilian Government servants in Group 'A' services or posts, shall retire from service with effect from the afternoon of the last day of the month in which their date of retirement according to Fundamental Rule 56 falls, without prejudice to clauses (*j*), (*k*), (*l*) and (*m*) of that rule.

[G.I., C.S. (Dept. of Per.), O.M. No. 33/12/73-Ests. (A), dated the 24th November, 1973 and the 2nd May, 1974.]

A Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty-eight or sixty years, as the case may be.

[Note 7 below F.R. 56.]

(2) Reckoning of date of birth when exact date/month is not known.—If a Government servant is unable to state his exact date of birth but can state the year or year and month of birth, the 1st July or the 16th of the month, respectively, shall be treated as the date of his birth. If he is only able to state his approximate age, his date of birth shall be assumed to be the corresponding date after deducting the number of years representing his age from his date of appointment.

[Rule 80, General Financial Rules.]

(3) No specific orders are necessary for retirement on due date.—A question has been raised whether the retirement of a Government servant is automatic on the date on which he attains the age of compulsory retirement or some specific orders by a competent authority are necessary specifying the date on which they should retire.

The rules regulating the age of superannuation or the terms and conditions may provide for the compulsory retirement of a Government

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servant on his attaining a specific age or after completion of a specified period of service. In all such cases retirement is automatic and in the absence of specific orders to the contrary by the competent authority a Government servant must retire on the due date. It is the responsibility of the administrative authorities concerned to ensure that the Government servants under their control so retire. The date of compulsory retirement of a Government servant is known in advance and there should be no question of failure to make arrangements for his relief sufficiently in advance and complete any formalities required in that behalf. For this purpose, the authorities concerned should maintain a proper record of the date of retirement of the Government servants working under them and take such appropriate action as may be necessary for their retirement on the due dates.

At the same time, a Government servant cannot take advantage of the non-receipt of formal orders regarding his relief, etc., to say that he has been granted an extension of service. If the Government servant desires to take any leave preparatory to retirement he will naturally apply for it in good time. If not, he should bring the fact that he is attaining the age of superannuation or completing the period of service after which he has to retire, to the notice of the Head of the Office in which he is serving or if he is himself the Head of the Office to that of his immediate superior. Unless he receives specific orders that he should continue in service, he should make over charge on the due date to the Head of the Office (or such officer as may be nominated by the latter), or if he is himself the Head of the Office to the next seniormost officer in the office who would normally be placed in charge of the office in his absence.

[G.I., M.H.A., O.M. No. 33/6/56-Ests. (A), dated the 10th December, 1965.]

(4) Relinquishment of charge on a holiday.—1. A question has been raised regarding the procedure to be followed for relinquishment of charge of office in the case of a retiring Government servant when the day on which he is due to retire happens to be a closed holiday. Since a Government servant shall retire from service with effect from the afternoon of the last day of the month in which his/her date of retirement falls, the retiring Government servant should formally relinquish charge of office on the afternoon of that day itself even if it happens to be a closed holiday.

2. In cases in which handing over of cash, stores, etc., is involved, these may be made over by the retiring officer (to the relieving officer or, in the absence of the relieving officer, to the next senior officer of the Department present) on the close of the previous working day on the analogy of Government of India's Decision No. (3) below Rule 78 of the General Financial Rules. Therefore, the actual relinquishment of charge of office shall be made in the prescribed form on the last day of service for which the physical presence of the officer in the office need not be insisted upon.

[G.I., M.F., O.M. No. 19050/8/76-E. IV (B), dated the 21st February, 1977.]

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36. Retiring pension

A retiring pension shall be granted—

(*a*) to a Government servant who retires, or is retired, in advance of the age of compulsory retirement in accordance with the provisions of [1][ ] Rule 48 [2][or 48-A] of these rules, or Rule 56 of the Fundamental Rules or Article 459 of the Civil Service Regulations; and

(*b*) to a Government servant who, on being declared surplus, opts for voluntary retirement in accordance with the provisions of Rule 29 of these rules.

GOVERNMENT OF INDIA'S DECISION

(1) Date of effect.—The orders regarding retirement on the last day of the month will not apply to the cases of premature retirement.

[D.G., P. & T., Letter No. 135/53/SPB. II, dated the 16th October, 1975.]

For instructions regarding Premature Retirement see *Appendix* 10 *of this Compilation.*

[3][37. Pension on absorption in or under a corporation, company or body

(1) A Government servant who has been permitted to be absorbed in a service or post in or under a Corporation or Company wholly or substantially owned or controlled by the Central Government or a State Government or in or under a Body controlled or financed by the Central Government or a State Government, shall be deemed to have retired from service from the date of such absorption and subject to sub-rule (3) he shall be eligible to receive retirement benefits which he may have elected, or deemed to have elected, and from such date as may be determined, in accordance with the orders of the Central Government applicable to him.

EXPLANATION.—**Date of absorption shall be—**

(*i*) in case a Government employee joins a corporation or company or body on immediate absorption basis, the date on which he actually joins that corporation or company or body;

(*ii*) in case a Government employee initially joins a corporation or company or body on foreign service terms by retaining a lien under the Government, the date from which his unqualified resignation is accepted by the Government.

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1. Omitted by G.I., M.H.A., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/80, dated the 30th July, 1981.

2. Inserted by G.I., Dept. of Per. & A.R., Notification No. 7 (2)-E. V (A)/73, dated the 28th November, 1978.

3. Substituted by G.I., Dept. of P. & P.W., Notification No. 4/15/88-P. & P.W. (D), dated the 9th October, 1991, published as S.O. No. 2740 in the Gazette of India, dated the 2nd November, 1991.

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(2) The provisions of sub-rule (1) shall also apply to Central Government servants who are permitted to be absorbed in joint sector undertakings, wholly under the joint control of Central Government and State Governments/Union Territory Administrations or under the joint control of two or more State Governments/Union Territory Administrations.

(3) Where there is a pension scheme in a body controlled or financed by the Central Government in which a Government servant is absorbed, he shall be entitled to exercise option either to count the service rendered under the Central Government in that body for pension or to receive *pro rata* retirement benefits for the service rendered under the Central Government in accordance with the orders issued by the Central Government.

EXPLANATION.—**Body means autonomous body or statutory body.**]

For detailed orders on permanent transfer of Government servants to Public Sector Undertakings and Autonomous Bodies of Centre and States and vice versa, etc., see *Appendix* 12.

GOVERNMENT OF INDIA'S DECISION

(1) Grant of *pro rata* retirement benefits on permanent absorption in ESI Corporation.—1. At present *pro rata* retirement benefits are admissible to the Central Government employees who are permanently absorbed in autonomous bodies controlled or financed wholly or substantially by the Central Government. The Staff Side made a suggestion in the National Council (JCM) that *pro rata* retirement benefits may be granted to all Central Government employees who have been or may be absorbed permanently in autonomous bodies like Employees' State Insurance Corporation which are not controlled or financed wholly or substantially by the Central Government, if the employees have been permitted to forward their application for such absorption by the Department concerned.

2. This question has been considered in detail but it has not been found possible to accept the demand of the Staff Side that the *pro rata* retirement benefits should be granted to Central Government employees who are absorbed in autonomous bodies not controlled or financed wholly or substantially by the Central Government. In this connection attention is invited to the provisions of Rule 37 of the CCS (Pension) Rules, 1972. Since the criterion is satisfied in the case of ESIC in view of the statutory provisions of the ESI Act which confers on the Central Government the power to constitute or supersede the Corporation, to appoint Principal Officer, to accord approval to recruitment rules and to approve the budget, etc., the benefits in terms of the provision of Rule 37 of the CCS (Pension) Rules, are clearly available to the Central Government employees absorbed by ESIC. Accordingly, it is hereby clarified that the Central Government employees who have been and may be permanently absorbed therein, shall be eligible for retirement benefits as admissible under the orders in force from time to time according to the dates of their permanent absorption.

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3. These orders shall not apply in the case of Medical Officers who after having rendered service in the Central Health Scheme (Ministry of Health) were transferred to ESIC and have been allowed the benefit of pension on combined service basis, by payment of pensionary liability by Ministry of Health for the period of service rendered under Central Government.

[G.I., Dept. of Per. & A.R., O.M. No. F. 27 (16)-PU/79, dated the 27th September, 1980.]

[1]37-A. Payment of lump sum amount to persons on absorption in or under a corporation, company or body

(1) Where a Government servant referred to in Rule 37 elects the alternative of receiving the [2][retirement gratuity] and a lump sum amount in lieu of pension, [3][he shall, in addition to the [2](retirement gratuity), be granted:]—

(*a*) on an application made in this behalf, a lump sum amount not exceeding the commuted value of one-third of his pension as may be admissible to him in accordance with the provisions of the *Civil Pensions (Commutation) Rules; and

[4](*b*) terminal benefits equal to the commuted value of the balance amount of pension left after commuting one-third of pension to be worked out with reference to the commutation tables obtaining on the date from which the commuted value becomes payable subject to the condition that the Government servant surrenders his right of drawing two-thirds of his pension.

[5](2) *Deleted.*

GOVERNMENT OF INDIA'S DECISION

(1) Lump sum and terminal benefits exempt from income tax.—*See* Appendix 12.

1. Inserted by G.I., M.F., Notification No. 44 (1)-E. V/71, dated the 9th April, 1973. This rule came into force with effect from 21st April, 1973.

2. Substituted *vide* G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

3. Substituted by G.I., M.F., Notification No. 41 (1)-E. V/71-I, dated the 18th April, 1974.

4. Substituted by G.I., Dept. of Per. & A.R., Notification No. 4 (7)-PU/81, dated the 10th December, 1981,

5. Deleted by G.I., Dept. of Per. & A.R., Notification No. 4 (7)-PU/81, dated the 10th December, 1981.

*Now Central Civil Services (Commutation of Pension) Rules, 1981.

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[1]38. Invalid pension

(1) Invalid pension may be granted if a Government servant retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service.

(2) A Government servant applying for an invalid pension shall submit a medical certificate of incapacity from the following medical authority, namely:—

(*a*) a Medical Board in the case of a Gazetted Government servant and of a non-gazetted Government servant whose pay, as defined in Rule 9 (21) of the Fundamental Rules, exceeds [2][two thousand and two hundred rupees] per mensem;

(*b*) Civil Surgeon or a District Medical Officer or Medical Officer of equivalent status in other cases.

NOTE 1.—No medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the Head of his Office or Department is aware of the intention of the applicant to appear before the medical authority. The medical authority shall also be supplied by the Head of the Office or Department in which the applicant is employed with a statement of what appears from official records to be the age of the applicant. If a service book is being maintained for the applicant, the age recorded therein should be reported.

NOTE 2.—A lady doctor shall be included as a member of the Medical Board when a woman candidate is to be examined.

(3) The form of the Medical Certificate to be granted by the medical authority specified in sub-rule (2) shall be as in Form 23.

(4) Where the medical authority referred to in sub-rule (2) has declared a Government servant fit for further service of less laborious character than that which he had been doing, he should, provided he is willing to be so employed, be employed on lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension.

[3](5) *Deleted.*

39. Compensation pension

(1) If a Government servant is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed to another

1. Substituted by G.I., M.F., Notification No. F. 19 (3)-E. V (A)/74, dated the 29th January, 1976.

2. Substituted *vide* G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

3. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

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post the conditions of which are deemed by the authority competent to discharge him to be at least equal to those of his own, have the option—

(*a*) of taking compensation pension to which he may be entitled for the service he had rendered, or

(*b*) of accepting another appointment on such pay as may be offered and continuing to count his previous service for pension.

(2) (*a*) Notice of at least three months shall be given to Government servant in permanent employment before his services are dispensed with on the abolition of his permanent post.

(*b*) Where notice of at least three months in not given and the Government servant has not been provided with other employment on the date on which his services are dispensed with, the authority competent to dispense with his services may sanction the payment of a sum not exceeding the pay and allowances for the period by which the notice actually given to him falls short of three months.

(*c*) No compensation pension shall be payable for the period in respect of which he receives pay and allowances in lieu of notice.

(3) In case a Government servant is granted pay and allowances for the period by which the notice given to him falls short of three months and he is re-employed before the expiry of the period for which he has received pay and allowances he shall refund the pay and allowances so received for the period following his re-employment.

(4) If a Government servant who is entitled to compensation pension accepts instead another appointment under the Government and subsequently becomes entitled to receive a pension of any class, the amount of such pension shall not be less than the compensation pension which he could have claimed if he had not accepted the appointment.

40. Compulsory retirement pension

(1) A Government servant compulsorily retired from service as a penalty may be granted, by the authority competent to impose such penalty, pension or gratuity or both at a rate not less than two-thirds and not more than [1][full compensation pension] or gratuity or both admissible to him on the date of his compulsory retirement.

[2][ ]

(2) Whenever in the case of a Government servant the President passes an order (whether original, appellate or in exercise of power of review)

1. Inserted by G.I., M.F., Notification No. Q-18011/2/75-E. V (A), dated the 10th April, 1975.

2. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (2), Pen. (A)/79, dated the 1st August, 1980.

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awarding a pension less than the [1][full compensation pension] admissible under these rules, the Union Public Service Commission shall be consulted before such order is passed.

EXPLANATION.—**In this sub-rule, the expression "*pension*" includes gratuity.**

(3) A pension granted or awarded under sub-rule (1) or, as the case may be, under sub-rule (2), shall not be less than the amount of [2][Rupees three hundred and seventy-five] per mensem.

GOVERNMENT OF INDIA'S DECISION

(1) Guiding principles for reduction of pensionary benefits under Rule 40 (1).—Rule 40 prescribes the limit for retirement benefits which would be admissible to an officer on whom the penalty of compulsory retirement may be imposed. This form of penalty has been introduced to provide for cases in which the continuance of a Government servant in service is considered to be undesirable but the extreme penalties of removal or dismissal, with the consequent loss of pension, is considered to be too severe.

The intention is that persons on whom the penalty of compulsory retirement is imposed should ordinarily be granted the full compensation pension and retirement gratuity, admissible on the date of compulsory retirement. Where, however, the circumstances of a particular case so warrant, the authority competent to impose the penalty of compulsory retirement may make such reductions in the pensionary benefits, within the limits prescribed, as it may think appropriate. In the case of a person governed by the New Pension Rules reduction may be made either in the retirement gratuity or in the pension or in both.

[G.I., M.F., Letter No. F. 7 (22)-E. V/56, dated the 3rd June, 1957.]

41. Compassionate allowance

(1) A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity:

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on [3][compensation pension].

1. Inserted by G.I., M.F., Notification No. Q-18011/2/75-E. V (A), dated the 10th April, 1975.

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988. Takes effect from 1st January, 1986.

3. Substituted by G.I., M.F., Notification No. Q-18011/2/75-E. V (A), dated the 10th April, 1975.

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(2) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than the amount of [1][Rupees three hundred and seventy-five] per mensem.

GOVERNMENT OF INDIA'S DECISIONS

(1) Guiding principles for the grant of Compassionate Allowance.—It is practically impossible in view of the wide variations that naturally exist in the circumstances attending each case, to lay down categorically precise principles that can uniformly be applied to individual cases. Each case has, therefore, to be considered on its merits and a conclusion has to be reached on the question whether there were any such extenuating features in the case as would make the punishment awarded, though it may have been necessary in the interests of Government, unduly hard on the individual. In considering this question it has been the practice to take into account not only the actual misconduct or course of misconduct which occasioned the dismissal or removal of the officer, but also the kind of service he has rendered. Where the course of misconduct carries with it the legitimate inference that the officer's service has been dishonest, there can seldom be any good case for a compassionate allowance. Poverty is not an essential condition precedent to the grant of a compassionate allowance, but special regard is also occasionally paid to the fact that the officer has a wife and children dependent upon him, though this factor by itself is not, except perhaps in the most exceptional circumstances, sufficient for the grant of a compassionate allowance.

[G.I., F.D., Office Memo. No. 3 (2)-R-II/40, dated the 22nd April, 1940.]

(2) Commutation of Compassionate Allowance permissible.—A question has been raised whether Government servants drawing Compassionate Allowance under Rule 41 of the Central Civil Services (Pension) Rules, 1972, are entitled to commute a part of such Compassionate Allowance as in the case of other kinds of pension or not. The matter has been considered and it is clarified that the Compassionate Allowance is one of the various kinds of pensions enumerated in the CCS (Pension) Rules, 1972, and as such the CCS (Commutation of Pension) Rules, 1981, would apply to the Compassionate Allowance in the same manner as in respect of any other class of pension.

[G.I., M.F., O.M. No. F. 14 (3)-E. V (A)/76, dated the 23rd April, 1977.]

See Rule 18 (*iv*) of CCS (Commutation of Pension) Rules, 1981—Appendix 1.

(3) Procedure for the grant of Compassionate Allowance.—In order to avoid delay in the payment of compassionate allowance, the following procedure should be adopted in cases relating to officers removed from service:—

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988. Takes effect from 1st January, 1986.

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(*i*) On receipt of the orders of the competent authority removing an officer from service for misconduct, insolvency or inefficiency, the Head of the Office, if he proposes to recommend the grant of a compassionate allowance, should fill in the application for pension and send it to the Accounts Officer concerned for report on the title to pension. The Head of the Office should not wait for an application from the officer.

(*ii*) If the competent authority in issuing orders of removal states that a certain proportion of the compensation pension is to be granted as compassionate allowance, no further sanction to pension is necessary, and all that is required is that the Accounts Officer should certify to the admissibility of the pension on a pension application completed and signed by the Head of the Office as provided in (*i*) above.

[G.I., F.D., No. F. 3-X-R. II/34, dated the 3rd May, 1934.]

(4) Eligible for reliefs granted from time to time.—A clarification has been sought in regard to admissibility of reliefs to a retired Government servant who is in receipt of compassionate allowance sanctioned under Article 353 of CSRs or Rule 41 of the CCS (Pension) Rules, 1972. It is clarified that the reliefs in pension would be admissible to a retired Government servant who is in receipt of compassionate allowance from the respective dates from which various reliefs have been sanctioned.

[G.I., M.F., O.M. No. F. 19 (26)-E. V (A)/75, dated the 14th November, 1975.]

For rules regulating the Compassionate Fund, which is distinct from Compassionate Allowance, of the Government of India, see *Appendix* 8.

CHAPTER VI

[RULES 42 to 46]

[1]*Deleted.*

1. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

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CHAPTER VII

Regulation of Amounts of Pensions

47. [1]*Deleted.*

48. Retirement on completion of 30 years' qualifying service

(1) At any time after a Government servant has completed thirty years' qualifying service—

(*a*) he may retire from service, or

(*b*) he may be required by the appointing authority to retire in the public interest, and in the case of such retirement the Government servant shall be entitled to a retiring pension:

Provided that—

(*a*) a Government servant shall give a notice in writing to the appointing authority at least three months before the date on which he wishes to retire; and

(*b*) the appointing authority may also give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice:

[2]Provided further that where the Government servant giving notice under clause (*a*) of the preceding proviso is under suspension, it shall be open to the appointing authority to withhold permission to such Government servant to retire under this rule:

[3]Provided further that the provisions of clause (*a*) of this sub-rule shall not apply to a Government servant, including scientist or technical expert who is—

(*i*) on assignments under the Indian Technical and Economic Co-operation (ITEC) Programme of the Ministry of External Affairs and other aid programmes,

(*ii*) posted abroad in foreign based offices of the Ministries/ Departments,

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1. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

2. Inserted by G.I., M.F., Notification No. 6 (8)-E. V (A)/73, dated the 25th January, 1974.

3. Inserted by G.I., Dept. of P. & P.W., Notification No. 38/15/85-Pension Unit, dated the 1st July, 1985, published as S.O. No. 3324 in the Gazette of India, dated the 20th July, 1985 and takes effect from that date.

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(*iii*) on a specific contract assignment to a foreign Government,

unless, after having been transferred to India, he has resumed the charge of the post in India and served for a period of not less than one year.

[1](1-A) (*a*) A Government servant referred to in clause (*a*) of the first proviso to sub-rule (1) may make a request in writing to the appointing authority to accept notice of less than three months giving reasons therefor.

(*b*) On receipt of a request under clause (*a*) the appointing authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(2) A Government servant, who has elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority:

Provided that the request for withdrawal shall be within the intended date of his retirement.

[2](3) For the purpose of this rule the expression '*appointing authority*' shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.

For consolidated instructions regarding premature retirement of Government servants and orders issued thereunder see *Appendix* 10.

[3]48-A. Retirement on completion of 20 years' qualifying service

(1) At any time after a Government servant has completed twenty years' qualifying service, he may, by giving notice of not less than three months in writing to the appointing authority, retire from service.

[4]Provided that this sub-rule shall not apply to a Government servant, including scientist or technical expert who is—

1. Inserted by G.I., Dept. of Per. & A.R., Notification No. 31/3/80-Pension Unit, dated the 5th March, 1981.

2. Inserted by G.I., M.F., Notification No. 7 (10)-E. V (A)/77, dated the 31st August, 1977.

3. Inserted by G.I., M.F., Notification No. 7 (2)-E. V (A)/73, dated the 28th November, 1978.

4. Inserted by G.I., Dept. of P. & P.W., Notification No. 38/15/85-Pension Unit, dated the 1st July, 1985, published as S.O. No. 3324 in the Gazette of India, dated the 20th July, 1985 and takes effect from that date.

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(*i*) **on assignments under the Indian Technical and Economic Co-operation (ITEC) Programme of the Ministry of External Affairs and other aid programmes,**

(*ii*) **posted abroad in foreign based offices of the Ministries/ Departments,**

(*iii*) **on a specific contract assignment to a foreign Government,**

unless, after having been transferred to India, he has resumed the charge of the post in India and served for a period of not less than one year.

(2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority:

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

[1](3) *Deleted.*

[2](3-A) (*a*) **A Government servant referred to in sub-rule (1) may make a request in writing to the appointing authority to accept notice of voluntary retirement of less than three months giving reasons therefor;**

(*b*) **On receipt of a request under clause (*a*), the appointing authority subject to the provisions of sub-rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.**

(4) A Government servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:

Provided that the request for withdrawal shall be made before the intended date of his retirement.

(5) The pension and [3][retirement gratuity] of the Government servant retiring under this rule shall be based on the emoluments as defined

1. Deleted by G.I., Dept. of Per. & A.R., Notification No. 32/2/83-Pension Unit, dated the 26th August, 1983. Takes effect from the 10th September, 1983.

2. Inserted by G.I., Dept. of Per. & A.R., Notification No. 31/3/80-Pension Unit, dated the 5th March, 1981.

3. Substituted *vide* G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

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under Rules 33 and 34 and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation of pay for purposes of calculating pension and gratuity.

(6) This rule shall not apply to a Government servant who—

(*a*) retires under Rule 29, or

(*b*) retires from Government service for being absorbed permanently in an autonomous body or a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement.

EXPLANATION.—**For the purpose of this rule the expression "*appointing authority*" shall mean the authority which is competent to make appointments to the service or post from which the Government servant seeks voluntary retirement.**

GOVERNMENT OF INDIA'S DECISIONS

(1) Instructions to regulate voluntary retirement.—The following instructions will regulate the voluntary retirement of Central Government servants:—

(*i*) ***Retirement without returning to duty while on LND.***—If a Government servant retires under the scheme of voluntary retirement while he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave not due shall be recovered as provided in Rule 31 of the CCS (Leave) Rules, 1972.

(*ii*) ***Verification of qualifying service before giving notice.***—Before a Government servant gives notice of voluntary retirement with reference to Rule 48-A, he should satisfy himself by means of a reference to the appropriate administrative authority that he has, in fact, completed twenty years' service qualifying for pension.

In order to ensure the correctness of the length of qualifying service for pension under the new scheme, it has been decided that the instructions contained in Decision (1) in Appendix 10 should be followed.

(*iii*) ***Guidelines for acceptance of notice.***—A notice of voluntary retirement given after completion of twenty years' qualifying service will require acceptance by the appointing authority if the date of retirement on the expiry of the notice would be earlier than the date on which the Government servant concerned could have retired voluntarily under the existing rules applicable to him [e.g., FR 56 (*k*), Rule 48 of the Pension Rules, Article 459 (*i*) of CSRs or any other similar rule]. Such acceptance may be generally given in all cases except those (*a*) in which disciplinary proceedings are pending or contemplated against the Government servant concerned for the imposition of a major penalty and the disciplinary authority, having regard to the circumstances of the case, is of the view

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that the imposition of the penalty of removal or dismissal from service would be warranted in the case, or (*b*) in which prosecution is contemplated or may have been launched in a Court of Law against the Government servant concerned. If it is proposed to accept the notice of voluntary retirement even in such cases, approval of the Minister-in-charge should be obtained in regard to Group 'A' and Group 'B' Government servants and that of the Head of the Department in the cases of Group 'C' and Group 'D' Government servants. Even where the notice of voluntary retirement given by a Government servant requires acceptance by the appointing authority, the Government servant giving notice may presume acceptance and the retirement shall be effective in terms of the notice unless the competent authority issues an order to the contrary before the expiry of the period of notice.

(*iv*) ***Pension subject to future good conduct.***—The pension will be subject to the provisions of Rules 8 and 9 of these Rules.

(*v*) ***Availing leave standing to credit along with notice period.***—A Government servant giving notice of voluntary retirement may also apply, before the expiry of the notice, for the leave standing to his credit which may be granted to him to run concurrently with the period of notice. The period of leave, if any, extending beyond the date of retirement on expiry of notice but not extending beyond the date on which the Government servant should have retired on attaining the age of superannuation, may be allowed as terminal leave as per Rule 39 (6) of the CCS (Leave) Rules, 1972 [now cash equivalent of leave salary under Rule 39 of CCS (Leave) Rules].

It is clarified that 'Extraordinary Leave' of any kind cannot be termed as leave standing to the credit of a Government servant and, therefore, it cannot run concurrently with the period of notice given by him for seeking voluntary retirement.

[G.I., Dept. of Per. & A.R., O.M. No. 25013/7/77-Est. (A), dated the 26th August, 1977, O.M. No. 25013/3/79-Ests. (A), dated the 28th July, 1979 and O.M. No. 25013/10/85-Est. (A), dated the 5th July, 1985.]

(2) Temporary employees are also eligible to seek voluntary retirement on completion of twenty years' service.—See *Rule* 10, *CCS* (*Temporary Service*) *Rules*, 1965.

[1]48-B. Addition to qualifying service on voluntary retirement

(1) The qualifying service as on the date of intended retirement of the Government servant retiring under Rule 48 (1) (*a*) or Rule 48-A or clause (*k*) of Rule 56 of the Fundamental Rules or clause (*i*) of Article 459 of the Civil Service Regulations, with or without permission shall be increased by the period not exceeding five years, subject to the condition that the total qualifying service rendered by the Government servant does

1. G.I., Dept. of Per. & A.R. Notification No. 32/4/83-Pension Unit, dated the 26th August, 1983. Takes effect from the 10th September, 1983.

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not in any case exceed thirty-three years and it does not take him beyond the date of superannuation.

(2) The weightage of five years under sub-rule (1) shall not be admissible in cases of those Government servants who are prematurely retired by the Government in the public interest under Rule 48 (1) (*b*) or FR 56 (*j*).

49. Amount of Pension

[1][(1) In the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of ten years, the amount of service gratuity shall be calculated at the rate of half month's emoluments for every completed six monthly period of qualifying service.

(2) (*a*) In the case of a Government servant retiring in accordance with the provisions of these rules after completing qualifying service of not less than thirty-three years the amount of pension shall be calculated at fifty per cent of average emoluments, subject to a maximum of four thousand and five hundred rupees per mensem.];

(*b*) in the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of thirty-three years, but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under clause (*a*) and in no case the amount of pension shall be less than [1][rupees three hundred and seventy-five] per mensem;

(*c*) notwithstanding anything contained in clause (*a*) and clause (*b*) the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (2) of Rule 54.

[2](3) In calculating the length of qualifying service, fraction of a year equal to [3][three months] and above shall be treated as a completed one half-year and reckoned as qualifying service.

[2](4) The amount of pension finally determined under clause (*a*) or clause (*b*) of sub-rule (2), shall be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee.

[4](5)
(6) } *Deleted.*

1. Substituted *vide* G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988. Takes effect from 1st January, 1986.

2. Substituted by G.I., Dept. of Per. & A.R., Notification No. F. 38 (4)-Pen. (A)/80, dated the 8th August, 1980.

3. Substituted by G.I., Dept. of Per. & A.R., Notification No. 32/4/83-Pension Unit, dated the 26th August, 1983. Takes effect from 28th June, 1983.

4. Deleted by G.I., Dept. of Per. & A.R., Notification No. F. 38 (4)-Pen. (A)/80, dated the 8th August, 1980.

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GOVERNMENT OF INDIA'S DECISIONS

(1) Final amount of service gratuity to be rounded off to the next higher rupee.—With a view to simplifying the procedure for payment of service gratuity as admissible under Rule 49 (1) of the CCS (Pension) Rules, 1972, it has been decided that the amount of service gratuity as finally calculated should be rounded off to the next higher rupee.

[G.I., Dept. of P. & P.W., O.M. No. 7 (12)/85-P. & P.W., dated the 30th September, 1986.]

(2) Three months and above but less than six months treated as one-half year.—The intention of sub-rule (3) of Rule 49 is that the period of three months and above but less than six months would be treated as a completed one-half year and reckoned as qualifying service for determining of pension. The period of nine months would, therefore, be two half years.

[D.O. No. 28 (15)/83-PU, dated the 13th October, 1983, from Shri K.S. Mahadevan, Under Secretary to the Government of India, Ministry of Home Affairs, addressed to Shri P. Muthuswamy.]

(3) Rounding off of pension/family pension when payable to more than one person/payable for part of a month.—1. Rules 49 and 54 (2-A) of CCS (Pension) Rules, 1972, provide for fixation of pension and family pension at monthly rates and its expression in whole rupees where the pension contains a fraction of a rupee. A question was raised as to the manner in which family pension/pension in the following cases is to be rounded off:—

(*a*) In respect of family pension where the pension is payable to more than one person each share containing a fraction of a rupee; and

(*b*) In respect of pension paid for a part of a month due to the death of a pensioner or for any other reasons where pension and relief thereon becomes payable in fraction of a rupee.

2. The matter has been examined in consultation with Department of Pension and PW and it is clarified that in respect of (*a*) above each share of family pension resulting in a fraction of a rupee may be rounded off to next higher rupee except in cases where family pension, if all the shares are put together exceed the maximum limit of family pension admissible. However in the exceptional and rare cases where the shares of family pension rounded as above when added cause an excess over the maximum limit such cases should be referred to the Department of Pension and PW and decided in consultation with that Department.

In respect of (*b*) above also the payment of pension for part of a month if worked out in fraction of a rupee may be rounded off to the next higher rupee.

[G.I., M.F., O.M. No. G-19011/2/90-MF-CGA/Pen./635, dated the 9th October, 1990.]

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[1]50. Retirement/Death Gratuity

(1) (*a*) **A Government servant, who has completed five years' qualifying service and has become eligible for service gratuity or pension under Rule 49, shall, on his retirement, be granted [1][retirement gratuity] equal to one-fourth of his emoluments for each completed six monthly period of qualifying service, subject to a maximum of 16½ times the emoluments.**

[1][(*b*) **If a Government servant dies while in service, the death gratuity shall be paid to his family in the manner indicated in sub-rule (1) of Rule 51 at the rates given in the Table below, namely:—**

Length of qualifying service	Rate of death gratuity
(*i*) Less than 1 year ...	2 times of emoluments.
(*ii*) One year or more but less than 5 years	6 times of emoluments.
(*iii*) 5 years or more but less than 20 years	12 times of emoluments.
(*iv*) 20 years or more ...	Half of emoluments for every completed six-monthly period of qualifying service subject to a maximum of 33 times of emoluments.

Provided that the amount of retirement gratuity or death gratuity payable under this rule shall in no case exceed one lakh rupees:

Provided further that where the amount of retirement or death gratuity as finally calculated contains a fraction of a rupee, it shall be rounded off to the next higher rupee.]

(2) If a Government servant, who has become eligible for a service gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including *ad hoc* increase, if any, together with the [2][ ] retirement gratuity admissible under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments, a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule (1) of Rule 51.

[2](3) *Deleted.*

1. Substituted *vide* G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published in the Gazette of India as S.O. No. 2388, dated the 6th August, 1988. Takes effect from the 1st January, 1986.

2. Deleted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published in the Gazette of India as S.O. No. 2388, dated the 6th August, 1988.

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[1](4) *Deleted.*

(5) The emoluments for the purpose of gratuity admissible under this rule, [2][ ] shall be reckoned in accordance with Rule 33:

[3][Provided that if the emoluments of a Government servant have been reduced during the last ten months of his service otherwise than as a penalty, average emoluments as referred to in Rule 34 shall be treated as emolument.]

(6) For the purposes of this rule and Rules 51, 52 and 53, '*family*', in relation to a Government servant, means—

(*i*) wife or wives [4][including judicially separated wife or wives] in the case of a male Government servant,

(*ii*) husband, [4][including judicially separated husband] in the case of a female Government servant,

(*iii*) sons including stepsons and adopted sons,

(*iv*) unmarried daughters including stepdaughters and adopted daughters,

(*v*) widowed daughters including stepdaughters and adopted daughters,

(*vi*) father, } including adoptive parents in the case of individuals
(*vii*) mother, } whose personal law permits adoption,

(*viii*) brothers below the age of eighteen years including stepbrothers,

(*ix*) unmarried sisters and widowed sisters including stepsisters,

(*x*) married daughters, and

(*xi*) children of a pre-deceased son.

GOVERNMENT OF INDIA'S DECISIONS

(1) Rounding off qualifying service of more than three months into a completed six-monthly period applies to both Pension and Death/Retirement Gratuity.—*Point of doubt*: Rule 49 (3) of Pension Rules provide for treating a period of service of more than three months as completed six-monthly period for purpose of calculation of pension, but a similar provision is not available under Rule 50 ibid. In this connection, Ministry

1. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (1) Pension (A)/79, dated the 19th May, 1980.

2. Deleted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published in the Gazette of India as S.O. No. 2388, dated the 6th August, 1988.

3. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1), Pen. (A)/79, dated the 19th May, 1980.

4. Inserted by G.I., M.F., Notification No. 7 (3)-E. V (B)/74, dated the 10th September, 1974.

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of Communication have issued a Letter No. 4-39/87-Pen., dated 11-7-1988 (*not printed*), to all their field offices, clarifying that the benefit of rounding off qualifying service of more than three months into a completed six-monthly period is applicable in the case of death/retirement gratuity also.

Department of P & PW may kindly see the case and confirm the clarification contained in Ministry of Communication's letter cited above.

Clarification.—The stand taken by the Ministry of Communication as quoted above is correct. The entire service rendered by a Government servant which qualifies for pension also qualifies for Death/Retirement Gratuity.

[G.I., Dept. of P. & P.W. Dy. No. 1477/71-P. & P.W., dated the 13th March, 1989, in reply to C. & A.G., U.O. No. 19-GE. II/88 KW-I, dated the 6th February, 1989.]

(2) Benefits admissible in cases of suicide also.—The Pension Rules do not prohibit the grant of family pension/death gratuity to the family of a Government servant who commits suicide.

[G.I., M.F., Letter No. F. 29 (2)-E. V/56, dated the 11th September, 1956.]

(3) Exemption of Death/Retirement Gratuity from income tax.—Death/Retirement gratuity under these rules or under any similar schemes of State Government is exempt from income tax.

[Sec. 10 (10) (*i*) of the Income Tax Act, 1961.]

(4) Determination of Death Gratuity when service records are incomplete.—(*i*) If the deceased Government servant had, at the time of death, rendered more than five years qualifying service but less than twenty years qualifying service, and the spell of last five years service has been verified and accepted by the Head of Office, the amount of death gratuity shall be equal to 12 times of deceased Government servant's emoluments as indicated in clause (*b*) of sub-rule (1) of Rule 50. Where the verified and accepted service is less than five years of qualifying service, the amount of death gratuity shall be equal to twice or six times of his emoluments as indicated in clause (*b*) of sub-rule (1) of Rule 50.

(*ii*) If the deceased Government servant had rendered more than twenty years of service and the entire service is not capable of being verified and accepted, but the service for the last five years has been verified and accepted under sub-clause (*i*), the family of the deceased Government servant shall be allowed on provisional basis the death gratuity equal to 12 times of the emoluments. Final amount of the gratuity shall be determined by the Head of Office on the basis of the entire spell of service which may be verified and accepted by the Head of Office within a period of six months from the date on which the authority for the payment of provisional gratuity was issued. The balance, if any, becoming payable as a result of determination of the final amount of death gratuity shall then be authorised to the beneficiary or beneficiaries.

[G.I., M.F., O.M. No. F. 11 (9)-E. V (A)/77, dated the 15th February, 1979—Para. 3 (B) amended.]

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(5) Retirement/death gratuity may be paid to the family after one year, in case an official's whereabouts are not known.—*See* Decision (12) below Rule 54.

(6) Extension of Retirement/Death Gratuity benefits to employees governed by CPF Scheme.—1. Central Government employees who are subscribing to Contributory Provident Fund are not at present eligible for Death/Retirement Gratuity admissible to the employees on pensionable establishments. The Fourth Central Pay Commission have recommended that the benefit of Death/Retirement Gratuity may be extended to the Central Government employees governed by CPF Scheme on the same lines as it has been in operation in the case of Railway employees.

2. Orders are separately being issued that all CPF beneficiaries, who were in service on 1-1-1986, should be deemed to have come over to the Pension Scheme on and from that date unless they specifically opt out to continue under the CPF Scheme. In the case of Central Government employees who will continue under the CPF Scheme from 1-1-1986, it has been decided that they will be entitled to retirement gratuity and death gratuity at the same rate/scale as is admissible to temporary/quasi-permanent or permanent Government servants, as the case may be, borne on pensionable establishment.

3. These orders apply to all Civilian Central Government employees who are subscribing to the Contributory Provident Fund under the Contributory Provident Fund Rules (India), 1962. In the case of subscriber to other contributory provident funds, where similar provisions are not at present available, necessary orders will be issued by the respective administrative authorities. The concerned Administrative Ministries are advised to issue these orders is consultation with the Department of Pension and Pensioners' Welfare.

4. These orders do not apply to Central Government employees who, on re-employment, are allowed to subscribe to Contributory Provident Fund. These orders also do not apply to Central Government employees appointed on contract basis where the contribution to the Contributory Provident Fund is regulated in accordance with the terms of contract.

5. These orders issue with the concurrence of Ministry of Finance, Department of Expenditure, *vide* their U.O. No. 2038/JS (Pers)/87, dated 13-4-1987.

[G.I., Dept. of P. & P.W., O.M. No. 4/1/87-PIC-II, dated the 1st May, 1987.]

51. Persons to whom gratuity is payable

(1) (*a*) The gratuity payable under Rule 50 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination under Rule 53;

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(*b*) **If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below—**

(*i*) **if there are one or more surviving members of the family as in clauses (*i*), (*ii*), (*iii*) and (*iv*) of sub-rule (6) of Rule 50, to all such members in equal shares;**

(*ii*) **if there are no such surviving members of the family as in sub-clause (*i*) above, but there are one or more members as in clauses (*v*), (*vi*), (*vii*), (*viii*), (*ix*), (*x*) and (*xi*) of sub-rule (6) of Rule 50, to all such members in equal shares.**

(2) If a Government servant dies after retirement without receiving the gratuity admissible under sub-rule (1) of Rule 50 the gratuity shall be disbursed to the family in the manner indicated in sub-rule (1).

(3) The right of a female member of the family, or that of a brother, of a Government servant who dies while in service or after retirement, to receive the share of gratuity shall not be affected if the female member marries or re-marries, or the brother attains the age of eighteen years, after the death of the Government servant and before receiving her or his share of the gratuity.

(4) Where gratuity is granted under Rule 50 to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.

GOVERNMENT OF INDIA'S DECISIONS

(1) Share of a nominee who dies or becomes disqualified to be distributed equally among the others.—A question has been raised whether the shares of the members of the family of the deceased Government servant who are alive on the date of death of the Government servant, but die or become disqualified before the date on which the amount of the gratuity is actually disbursed, should be divided among the surviving members and the legal heirs of the members who in the meantime have died. The position in the matter is explained below—

Death/retirement gratuity is in the nature of a gift. Section 122 of the Transfer of Property Act, 1882, provides that if the donee of a gift dies before acceptance, the gift is void. In other words, the donee must be alive on the date of the gift and the representative of a person deceased at the date of the gift cannot take the gift from him. On this analogy the sanction of the gratuity in favour of a deceased person would also be void at law. It would not vest the gift in the pre-deceased donee and would not hence become part of his estate so as to pass on to his heirs by succession. It has accordingly been decided that, in the type of cases referred to, the share of the gratuity otherwise payable to a member of the family who has died or become disqualified before receiving actual payment, shall be distributed equally among the remaining members of the family.

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Disbursing authorities should accordingly ascertain, before making actual payment of a death/retirement gratuity whether all the members of the family in whose favour the sanction was issued have continued to be qualified. If not, and if any of them is dead, the fact should be reported immediately to the sanctioning authority for the issue of a revised sanction in favour of the remaining members of the family.

[G.I., M.F., O.M. No. F. 48 (1)-E. V/58, dated the 5th May, 1958.]

(2) Procedure when a member of the family forgoes his claim.—*See* Decision (2) below Rule 54.

(3) Payment of minor's share of death/retirement gratuity to guardian.—1. Payment of the minor(s)' share of death/retirement gratuity is to be made to the natural guardian of the minor(s), and in the absence of a natural guardian, to the person who furnishes a guardianship certificate.

2. In a case where payment of the minor(s)' share of death/retirement gratuity is to be made to the natural/legal guardian, in order to issue the necessary payment authority in his/her favour, the Accounts Officer concerned must know this fact, as well as the name of the natural/legal guardian. If the above information is not given in the sanction letter, the Accounts Officer has to make enquiries on this point from the sanctioning authority, resulting in avoidable delay in the payment of death/retirement gratuity. To obviate such delays, the Ministry of Home Affairs, etc., are requested to ensure that in future in all cases of this nature the aforesaid particulars are given in the sanction letter itself.

3. The legal position as to whom the share of a minor in the capacity of minor's natural/legal guardian would be payable is explained as under—

(1) *Where no valid nomination subsists*:

(*a*) When a share is payable to minor sons or minor unmarried daughters, it should be paid to the surviving parent except in the case when the surviving parent happens to be a Muslim lady. Where, however, there is no surviving parent, or the surviving parent is a Muslim lady, payment will have to be made to the person producing the guardianship certificate.

(*b*) When a share is payable to widowed minor daughter(s), production of a guardianship certificate would be necessary.

(*c*) If in a rare case the wife herself happens to be a minor, the death/retirement gratuity payable to her shall be paid to the person producing the guardianship certificate.

(*d*) When the death/retirement gratuity becomes payable to a minor brother or a minor unmarried sister, the payment should be made to the father or, in his absence the mother of the beneficiary except in a case where the mother happens to be a Muslim lady. In this case too, if there is no surviving parent

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or the surviving parent happens to be a Muslim lady, the payment will have to be made to the person producing the guardianship certificate. If any share is payable to a widowed minor sister the production of guardianship certificate would be necessary.

(2) *Where a valid nomination subsists*:

(*a*) Where the nomination is in respect of one or more of the members of the family, the position stated against para. 3 (1) would apply.

(*b*) Where there is no family, the nomination in favour of an illegitimate child or married sister would also be valid. The position would, therefore, be as follows:—

(*i*) If the nominee is an illegitimate child, the share will be payable to the mother, and in her absence, the production of a guardianship certificate would be necessary.

(*ii*) If the share is payable to a married minor girl, the share will be payable to the husband.

[G.I., M.F., O.M. No. F. 24 (8)-E. V (A)/59, dated the 20th October, 1959.]

NOTE.—A surviving stepmother is not a natural guardian of the minor child, and is not, therefore, covered by the term 'surviving parent' used in para. 3 (1) (*a*) above.

[G.I., M.F., O.M. No. F. 24 (8)-E. V/59, dated the 1st September, 1960.]

(4) Special relaxation for payment of minor's share without guardianship certificate, up to the extent of Rs. 10,000.—1. Decision No. (3) lays down that the payment of a minor's share of death/retirement gratuity is to be made to the person producing a guardianship certificate when there is no surviving parent or the surviving parent is a Muslim lady. It has been represented that in many cases, the production of guardianship certificate causes great inconvenience and entails delays in the settlement of the claims.

2. It has been decided in modification of the above decision that payment of death/retirement gratuity to the extent of Rs. 10,000 (or the first Rs. 10,000 where the amount payable exceeds Rs. 10,000) in favour of a minor may be made to his/her guardian, in the absence of a natural guardian, without the production of a formal guardianship certificate but subject to the production of an indemnity bond with suitable sureties to the satisfaction of the sanctioning authority. The balance in excess of Rs. 10,000, if any, would become payable on the production of a certificate of guardianship.

3. It is essential, however, that there should be adequate prima facie grounds for making payment as in paragraph 2 above, to the person claiming it. Such ground can exist only if he is shown by a sworn declaration to be a *de facto* guardian and his bona fides have been ascertained. Even

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if a guardian has not yet been appointed by the Court, if the minor and his property are in the custody of some person, such person is in law a *de facto* guardian. The authorities making the payment should, therefore, require the person who comes forward to claim payment on behalf of the minor, to satisfy them by an affidavit that he is in charge of the property of the minor and is looking after it or that, if the minor has no property other than the gratuity, the minor is in his custody and care. The affidavit so to be produced is in addition to the indemnity bond with suitable sureties.

4. The indemnity bond which is to be required to be produced by a *de facto* guardian of minor(s) for payment of death/retirement gratuity to the extent of Rs. 10,000 should be executed in the form appended below.

5. It has been decided that the stamp duty payable on the indemnity bond will be borne by the Government. The indemnity bond should, therefore, be executed on any durable plain paper.

6. The indemnity bond should be signed by the obligor and the surety/sureties or their respective attorneys appointed by power(s) of attorney. The indemnity bond on behalf of the President should be accepted by an officer duly authorised under Article 209 (1) of the Constitution.

[G.I., M.F., O.M. No. 10 (3)-E. V (A)/61, dated the 29th June, 1971 and O.M. No. F. 10 (6)-E. V (A)/65, dated the 11th February, 1966 and Dept. of P. & P.W., O.M. No. 7/9/89-P. & P.W. (D), dated the 5th July, 1989.]

INDEMNITY BOND

KNOW ALL MEN by these presents that we (*a*).....(*b*)..... the widow/son/brother, etc., of (*c*).....deceased, resident of..... (hereinafter called "the Obligor") and (*d*)....., son/wife/daughter of.....resident of.....and.....son/wife/daughter of.....resident of.....the sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the President of India (hereinafter called "the Government") in the sum of Rs.....(Rupees.....only) well and truly to be paid to the Government on demand and without a demur for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents.

Signed this.....day of.....one thousand nine hundred and.....

WHEREAS (*c*).....was at the time of his death in the employment of the Government/receiving a pension at the rate of Rs.....(Rupees.....only) per month from the Government.

AND WHEREAS the said (*c*).....died on the.....day of.....19..... and there was due to him at the time of his death the sum of Rs.....(Rupees .....only) for and towards share of his minor son/daughter in the death/ retirement gratuity.

AND WHEREAS the Obligor claims to be entitled to the said sum as *de facto* guardian of the minor son/daughter of the said (*c*).....but has not obtained till the date of these presents the certificate of guardianship from any competent Court of Law in respect of the said minor(s).

AND WHEREAS the Obligor has satisfied the (*e*).....that he/she is entitled to the aforesaid sum and that it would cause undue delay and hardship if the Obligor be required to produce the certificate of guardianship from the competent Court of Law before payment to him of the said sum of Rs.....

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AND WHEREAS the Government has no objection to the payment of the said sum to the Obligor but under Government Rules and Orders, it is necessary for the Obligor to first execute a bond with one surety/two sureties to indemnify the Government against all claims to the amount so due as aforesaid to the said (*c*).....before the said sum can be paid to the Obligor.

AND WHEREAS the Obligor and at his/her request the surety/sureties have agreed to execute the bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been made to the Obligor, the Obligor and/or the surety/sureties shall in the event of a claim being made by any other person against the Government with respect to the aforesaid sum of Rs refund to the Government the said sum of Rs.....and shall otherwise indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of the claim thereto THEN the above written bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the surety/sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties, shall but for this provision have the effect of so relating the surety/sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the surety/sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the surety/sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written.

Signed by the abovenamed 'Obligor' in the presence of

1. .....

2. .....

Signed by the abovenamed 'Surety/Sureties'

1. .....

2. .....

Accepted for and on behalf of the President of India by

.....

[Name and designation of the Officer directed or authorised, in pursuance of Article 299 (1) of the Constitution, to accept the bond for and on behalf of the President] in the presence of

.....

(*Name and designation of witness*)

NOTE I.—(*a*) Full name of the claimant referred to as the 'Obligor'.

(*b*) State relationship of the Obligor to the deceased.

(*c*) Name of the deceased Government Officer.

(*d*) Full name or names of the sureties with name or names of the father(s)/ husband(s) and place of residence.

(*e*) Designation of the officer responsible for payment.

NOTE II.—The Obligor as well as the sureties should have attained majority so that the bond may have legal effect or force.

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[1]51-A. Debarring a person from receiving gratuity

(1) If a person who in the event of death of a Government servant while in service is eligible to receive gratuity in terms of Rule 51, is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(2) If on the conclusion of the criminal proceedings referred to in sub-rule (1), the person concerned—

(*a*) is convicted for the murder or abetting in the murder of the Government servant, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any,

(*b*) is acquitted of the charge of murdering or abetting in the murder of the Government servant, his share of gratuity shall be payable to him.

(3) The provisions of sub-rule (1) and sub-rule (2) shall also apply to the undisbursed gratuity referred to in sub-rule (2) of Rule 51.

[2]52. Lapse of [3][retirement gratuity/death gratuity]

Where a Government servant dies while in service or after retirement without receiving the amount of gratuity and leaves behind no family and—

(*a*) has made no nomination, or

(*b*) the nomination made by him does not subsist,

the amount of [3][retirement gratuity/death gratuity] payable in respect of such Government servant [4][under Rule 50 shall lapse to the Government:

Provided that the amount of death gratuity/retirement gratuity shall be payable to the person in whose favour a Succession Certificate in respect of the gratuity in question has been granted by a Court of Law].

53. Nominations

(1) A Government servant shall, on his initial confirmation in a service or post, make a nomination in Form 1 or 2, as may be, as appropriate in the circumstances of the case, conferring on one or more persons the right to receive the [3][retirement gratuity/death gratuity] payable under Rule 50:

1. Inserted by G.I., Dept. of Per. & A.R., Notification No. 1 (5)-E. V (B)/Pen. (A)/78, dated the 25th August, 1980.

2. Substituted by G.I., M.F., Notification No. 6 (8)-E. V (A)/73, dated the 25th January, 1974.

3. Substituted *vide* G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

4. Substituted *vide* G.I., Dept. of P. & P.W., Notification No. 7/6/88-P. & P.W. (D), dated the 6th April, 1989, published as S.O. No. 970 in the Gazette of India, dated the 6th May, 1989.

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Provided that if at the time of making the nomination—

(*i*) the Government servant has a family, the nomination shall not be in favour of any person or persons other than the members of his family; or

(*ii*) the Government servant has no family, the nomination may be made in favour of a person or persons, or a body of individuals, whether incorporated or not.

(2) If a Government servant nominates more than one person under sub-rule (1), he shall specify in the nomination the amount of share payable to each of the nominees, in such manner as to cover the entire amount of gratuity.

(3) A Government servant may provide in the nomination—

(*i*) that in respect of any specified nominee who predeceases the Government servant, or who dies after the death of the Government servant but before receiving the payment of gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination:

Provided that if at the time of making the nomination the Government servant has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family:

Provided further that where a Government servant has only one member in his family, and a nomination has been made in his favour, it is open to the Government servant to nominate alternate nominee or nominees in favour of any person or a body of individuals, whether incorporated or not;

(*ii*) that the nomination shall become invalid in the event of the happening of the contingency provided therein.

(4) The nomination made by a Government servant who has no family at the time of making it, or the nomination made by a Government servant under the second proviso to clause (*i*) of sub-rule (3) where he has only one member in his family shall become invalid in the event of the Government servant subsequently acquiring a family, or an additional member in the family, as the case may be.

(5) A Government servant may, at any time, cancel a nomination by sending a notice in writing to the [1][Head of Office]:

Provided that he shall, along with such notice, send a fresh nomination made in accordance with this rule.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (*i*) of sub-rule (3) or on the occurrence of any event by reason of which the

1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1) Pen. (A)/79, dated the 19th May, 1980.

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nomination becomes invalid in pursuance of clause (*ii*) of that sub-rule, the Government servant shall send to the [1][Head of Office] a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this rule.

[1](7) (*a*) Every nomination made (including every notice of cancellation, if any, given) by a Government servant under this rule, shall be sent to the Head of Office.

(*b*) The Head of Office shall, immediately on receipt of such nomination countersign it indicating the date of receipt and keep it under his custody:

Provided that the Head of Office may authorise his subordinate Gazetted Officers to countersign nomination forms of non-gazetted Government servants.

(*c*) Suitable entry regarding receipt of nomination shall be made in the service book of the Government servant concerned.

(8) Every nomination made, and every notice of cancellation given, by a Government servant shall, to the extent that it is valid, take effect from the date on which it is received by the [1][Head of Office].

GOVERNMENT OF INDIA'S DECISION

Importance of nominations and their safe custody.—Nominations for death/retirement gratuity and related notices are important documents on the basis of which the claims of the beneficiaries have to be established and settled. Instances of cases have come to notice where nominations made by deceased officers and related papers were not traceable in the official records of the Head of the Office and were treated as lost. This defeats the very purpose underlying nominations and causes inconveniences and delay all round. To obviate the possibility of such losses in future, it has been decided that the nomination papers should, after countersignature, be kept in a separate confidential file which should be lodged for safe keeping with the Head of the Office or other responsible officer nominated by him for this purpose, and a clear note made in the service book of the officer as to what nominations and related notices have been received from him and where they have been lodged for safe custody, so that there should be no difficulty in locating the documents when the occasion for making a reference to them arises.

[G.I., M.F., O.M. No. F. 21 (4)-E. V/59, dated the 6th April, 1960.]

All Government servants should be advised that it would be in the interest of their nominees if they would preserve copies of the nominations made by them and of the related notices and acknowledgements, either in their personal custody or in safe deposit along with their other important personal documents, etc., where they may be expected to come into the possession of the beneficiaries in the event of their death.

[G.I., M.F., O.M. No. F. 8 (9)-E. V (1)/60, dated the 13th December, 1960.]

1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1) Pen. (A)/79, dated the 19th May, 1980.

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The need for observance of the above instructions cannot, perhaps, be overemphasized. The need for nomination arises consequent upon the death of a Government servant while in service or after retirement before receipt of the death/retirement gratuity. In those cases, where valid nominations already exist, the claims of the nominees are likely to be settled expeditiously as provided in sub-rule (1) (*a*) of Rule 51 of CCS (Pension) Rules, 1972. But in those cases, where no nominations have been filed or even if filed by the Government servant but lost in office due to lack of proper care, the gratuity is payable to the members of the family in the manner prescribed in sub-rule (1) (*b*) ibid. A number of cases have also come to notice of Government where Government servants having died without making any valid nominations, the surviving members of their families approach courts for grant of succession certificates in order to entitle them to their share of the gratuity. It may be clarified in this regard that payment of death/retirement gratuity to the members of family of a deceased Government servant is normally to be made according to the relevant service rules. While payment on the basis of a succession certificate would discharge Government's liability, a succession certificate does not necessarily create an obligation on the part of the Government to pay the amount. Such a claim can be resisted if it is otherwise not in order. Therefore, in order to save the families of the Government servants from the expenditure involved on the court fees for obtaining succession certificates and the inevitable delay which this process entails, the Government servants may be advised to file their nominations in the prescribed forms without fail.

The Ministries/Departments and offices concerned are also requested to review the service records of all their employees and ensure that nominations have been obtained from all the Government servants, necessary entries made in their service books as laid down in the orders referred to above and the relevant records preserved properly to avoid such situations.

[G.I., M.F., O.M. No. 7 (5)-E. V (B)/74, dated the 22nd January, 1975.]

Clarification by Ministry of Law

The intention in calling upon the claimants to obtain succession certificate is to get a legal document from the competent court so that the claims of the rival parties can be settled once for all. This is a document which will enable the Department to pay the dues, etc., to the rightful claimant. If the Department is not satisfied with the legal right of the claimant they have got every right to approach the competent court to decide the claims in accordance with the law. In other words, if the Department feels that the succession certificate has not been issued as per law then they have every right to follow up the procedure after reconsidering the nature.

However, we have dealt with the aspect in the above para. on the related aspect and Department is supposed to obtain legal opinion as and when a concrete case arises. If necessary, matter may be discussed.

[Min. of Law (Dept. of Legal Affairs), U.O. No. 23/26/88-Adv. (B), dated the 2nd August, 1988 and C. & A.G.'s Endst. No. 1513-A/(II)/88, dated the 23rd December, 1988.]

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[1]54. Family Pension, 1964

(1) The provisions of this rule shall apply—

(*a*) to a Government servant entering service in a pensionable establishment on or after the 1st January, 1964; and

(*b*) to a Government servant who was in service on the 31st December, 1963 and came to be governed by the provisions of the Family Pension Scheme for Central Government Employees, 1964, contained in the Ministry of Finance, Office Memorandum No. 9 (16)-E. V (A)/63, dated the 31st December, 1963, as in force immediately before the commencement of these rules.

[2][NOTE.—The provisions of this rule will also extend, from 22nd September, 1977, to Government servants on pensionable establishments who retired/died before 31-12-1963, as also to those who were alive on 31-12-1963, but had opted out of 1964 Scheme.]

(2) [3][ ] Without prejudice to the provisions contained in sub-rule (3), where a Government servant dies—

[1][(*a*) after completion of one year of continuous service; or

(*aa*) before completion of one year of continuous service provided the deceased Government servant concerned immediately prior to his appointment to the service or post was examined by the appropriate medical authority and declared fit by that authority for Government service; or]

[4](*b*) after retirement from service and was on the date of death in receipt of a pension, or compassionate allowance, referred to in Chapter V, other than the pension referred to in Rule 37,

the family of the deceased shall be entitled to Family Pension, 1964 (hereinafter in this rule referred to as family pension) the amount of [5][which shall be determined in accordance with the Table below]:

---

1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

2. Inserted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

3. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

4. Substituted by G.I., M.F., Notification No. 6 (8)-E. V (A)/73, dated the 25th January, 1974.

5. Substituted by G.I., M.F., Notification No. 19 (2)-E. V (A)/76, dated the 23rd August, 1976.

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[1]**Table**

Pay of Government servant	Amount of monthly family pension
(*i*) Not exceeding Rs. 1,500 ...	30% of basic pay subject to a minimum of Rs. 375.
(*ii*) Exceeding Rs. 1,500 but not exceeding Rs. 3,000.	20% of basic pay subject to a minimum of Rs. 450.
(*iii*) Exceeding Rs. 3,000 ...	15% of basic pay subject to a minimum of Rs. 600 and a maximum of Rs. 1,250.

[2]EXPLANATION.—**The expression 'continuous one year of service' wherever it occurs in this rule shall be construed to include 'less than one year of continuous service' as defined in clause (*aa*).**

[3]**(2-A) The amount of family pension shall be fixed at monthly rates and be expressed in whole rupees and where the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee:**

Provided that in no case a family pension in excess of the maximum [4][prescribed under this rule] shall be allowed.

(3) [5](*a*) (*i*) [6][ ] **Where a Government servant, who is not governed by the Workmen's Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years' continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or twice the family pension admissible under sub-rule (2), whichever is less, and the amount so admissible shall be payable from the date following the date of death of the Government servant for a period of seven years, or for a period up to the date on which the deceased Government servant would have attained the age of 65 years had he survived, whichever is less.**

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988. Effective from 1st January, 1986.

2. Inserted by G.I., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

3. Substituted by G.I., M.F., Notification No. 19 (2)-E. V (A)/76, dated the 23rd August, 1976.

4. Inserted by G.I., M.F., Notification No. 6 (8)-E. V (A)/73, dated the 25th January, 1974.

5. Substituted by G.I., M.F., Notification No. 19 (36)-E. V (A)/76, dated the 4th November, 1976.

6. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

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(*ii*) **In the event of death of a Government servant after retirement, the family pension as determined under sub-clause (*i*) shall be payable for a period of seven years, or for a period up to the date on which the retired deceased Government servant would have attained the age of 65 years had he survived, whichever is less:**

Provided that in no case the amount of family pension determined under [1][sub-clause (*ii*) of] this clause shall exceed the [2][pension authorised on retirement] from Government service:

Provided further that where the amount of [2][pension authorised on retirement] is less than the amount of family pension admissible under sub-rule (2), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under sub-rule (2).

EXPLANATION.—**For the purpose of this sub-clause, [2][pension authorised on retirement] includes the part of the pension which the retired Government servant may have commuted before death.**

(*b*) (*i*) **Where a Government servant, who is governed by the Workmen's Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years' continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or one and a half times the family pension admissible under sub-rule (2), whichever is less.**

(*ii*) **The family pension so determined under sub-clause (*i*) shall be payable for the period mentioned in clause (*a*):**

Provided that where a compensation is not payable under the aforesaid Act, the [2][Head of Office] shall send a certificate to the [2][Accounts Officer] to the effect that the family of the deceased Government servant is not eligible for any compensation under the aforesaid Act and the family shall be paid family pension on the scale, and for the period, mentioned in clause (*a*).

(*c*) **After the expiry of the period referred to in clause (*a*), the family, in receipt of family pension under that clause or clause (*b*), shall be entitled to family pension at the rate admissible under sub-rule (2).**

[3](4) **Where an award under the Central Civil Services (Extraordinary Pension) Rules, is admissible, no family pension under this rule shall be authorised.**

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1. Inserted by G.I., M.F., Notification No. F. 19 (30)-E. V (A)/78, dated the 17th October, 1978.

2. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1), Pen. (A)/79, dated the 19th May, 1980.

3. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

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[1](5) *Deleted.*

(6) The period for which family pension is payable shall be as follows:—

(*i*) in the case of a widow or widower, up to the date of death or re-marriage, whichever is earlier;

(*ii*) in the case of a son, until he attains the age of [2][twenty-five] years; and

(*iii*) in the case of an unmarried daughter, until she attains the age of [2][twenty-five] years or until she gets married, whichever is earlier:

[3]Provided that if the son or daughter of a Government servant is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of *[twenty-one years in the case of the son and thirty years in the case of the daughter] the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:—

(*i*) if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the minor children in the order set out in clause (*iii*) of sub-rule (8) of this rule until the last minor child attains the age of [4][twenty-five] and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him/her for life;

[5][(*ii*) if there are more than one such children suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him/her ceases to be eligible:

Provided that where the family pension is payable to such twin children it shall be paid in the manner set out in clause (*d*) of sub-rule (7) of this rule;]

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1. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

3. Inserted by G.I., M.F., Notification No. 1 (3)-E. V (B)/74, dated the 30th September, 1974.

4. Substituted by G.I., Dept. of P. & P.W., Notification No. 1/88/89-P. & P.W./C, dated the 22nd November, 1990, published as S.O. No. 3273 in the Gazette of India, dated the 8th December, 1990.

5. Substituted by G.I., Dept. of P. & P.W., Notification No. 1/97/88-P. & P.W./C, dated the 21st November, 1990, published as S.O. No. 3270 in the Gazette of India, dated the 8th December, 1990.

*Now uniformly 25 years effective from 6th August, 1987. *See* Decision (10) under this Rule.

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(*iii*) [1][**the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in the case of the physically crippled son/daughter who has attained the age of majority**];

(*iv*) **before allowing the family pension for life to any such son or daughter, the** [2][**appointing authority**] **shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child;**

(*v*) **the person receiving the family pension as guardian of such son or daughter** [3][**or such son or daughter not receiving the family pension through a guardian**] **shall produce every three years a certificate from a medical officer not below the rank of a Civil Surgeon to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.**

[4]EXPLANATIONS.—

[5](*a*) *Deleted.*

(*b*) **A daughter shall become ineligible for family pension under this sub-rule from the date she gets married.**

(*c*) **The family pension payable to such a son or daughter shall be stopped if he or she starts earning his/her livelihood.**

(*d*) **In such cases it shall be the duty of the guardian** [3][**or son or daughter**] **to furnish a certificate to the Treasury or Bank, as the case may be, every month that (*i*) he or she has not started earning his/her livelihood; (*ii*) in case of daughter, that she has not yet married.**

(7) (*a*) (*i*) **Where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares.**

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1. Substituted by G.I., Dept. of P. & P.W., Notification No. 1/47/87-P. & P.W./C, dated the 13th March, 1990, published as S.O. No. 899, in the Gazette of India, dated the 14th April, 1990.

2. Substituted by G.I., Dept. of Per. & A.R., Notification No. 31 (4)-Pen./80, dated the 21st April, 1981.

3. Inserted by G.I., Dept. of P. & P.W., Notification No. 1/47/87-P. & P.W./C, dated the 13th March, 1990.

4. Inserted by G.I., M.F., Notification No. F. 1 (3)-E. V. (B)/74, dated the 23rd September, 1977 and Dept. of Per. & A.R., Notification No. F. 1 (4)-PU/79, dated the 9th July, 1979.

5. Deleted by G.I., Dept. of P. & P.W., Notification No. 1/80/89-P. & P.W./C, dated the 26th April, 1990, published as S.O. No. 1454, in the Gazette of India, dated the 26th May, 1990.

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(*ii*) **On the death of a widow, her share of the family pension shall become payable to her eligible child:**

[1][**Provided that if the widow is not survived by any child, her share of the family pension shall not lapse but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full, to her.**]

(*b*) **Where the deceased Government servant or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the Government servant or pensioner.**

[2][**Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child.**]

[3][(*c*) **Where the deceased Government servant or pensioner is survived by a widow but has left behind eligible child or children from a divorced wife or wives the eligible child or children shall be entitled to the share of family pension which the mother would have received at the time of the death of the Government servant or pensioner had she not been so divorced.**]

[2][**Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares, shall not lapse, but shall be payable to the other widow or widows and/or to the other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child.**]

[4][(*d*) **where the family pension is payable to twin children it shall be paid to such children in equal shares:**

Provided that when one such child ceases to be eligible his/her share shall revert to the other child and when both of them cease to be eligible the family pension shall be payable to the next eligible single child/twin children.]

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1. Substituted } by G.I., Dept. of P. & P.W., Notification No. 1/17/90- P & PW
2. Inserted } (C), dated the 29th January, 1991, published as S.O. No. 464 in the Gazette of India, dated the 16th February, 1991.

3. Inserted by G.I., Dept. of P. & P.W., Notification No. 1/140/88-P. & P.W./C, dated the 14th September, 1989, published as S.O. No. 2467 in the Gazette of India, dated the 7th October, 1989.

4. Inserted by G.I., Dept. of P. & P.W., Notification No. 1/97/88-P. & P.W./C, dated the 21st November, 1990, published as S.O. No. 3270 in the Gazette of India, dated the 8th December, 1990.

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(8) (*i*) Except as provided in sub-rule (7), the family pension shall not be payable to more than one member of the family at the same time.

(*ii*) If a deceased Government servant or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child.

[1][(*iii*) family pension to the children shall be payable in the order of their birth and the younger of them will not be eligible for family pension unless the elder next above him/her has become ineligible for the grant of family pension:

Provided that where the family pension is payable to twin children it shall be paid in the manner set out in clause (*d*) of sub-rule (7) of this rule.]

(9) Where a deceased Government servant or pensioner leaves behind more children than one the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (*ii*) or clause (*iii*) of sub-rule (6), as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.

(10) Where family pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor.

(11) In case both wife and husband are Government servants and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife and in the event of the death of the husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents, subject to the limits specified below, namely,—

(*a*) (*i*) if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in sub-rule (3), the amount of both the pensions shall be limited to [2][two thousand five hundred rupees] per mensem;

(*ii*) if one of the family pensions ceases to be payable at the rate mentioned in sub-rule (3), and in lieu thereof the pension at the rate mentioned in sub-rule (2) becomes payable, the amount of both the pensions shall also be limited to [2][two thousand five hundred rupees] per mensem;

(*b*) if both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two pensions shall be limited to [2][one thousand two hundred and fifty rupees] per mensem.

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 1/97/88-P. & P.W. (C), dated the 21st November, 1990, published as S.O. No. 3270 in the Gazette of India, dated the 8th December, 1990. Takes effect from the 21st November, 1990—*vide* O.M. No. 1/97/88-P. & P.W. (C), dated the 25th January, 1991.

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W., (PIC), dated the 20th July, 1988, published in the Gazette of India as S.O. No. 2388, dated the 6th August, 1988.

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[1](11-A) Where a female Government servant or male Government servant dies leaving behind a judicially separated husband or widow and no child or children, the family pension in respect of the deceased shall be payable to the person surviving.

[2]Provided that where in a case the judicial separation is granted on the ground of adultery and the death of the Government servant takes place during the period of such judicial separation, the family pension shall not be payable to the person surviving [3][if such person surviving was held guilty of committing adultery].

[3](11-B) (*a*) Where a female Government servant or male Government servant dies leaving behind a judicially separated husband or widow with a child or children, the family pension payable in respect of deceased shall be payable to the surviving person provided he or she is the guardian of such child or children.

(*b*) Where the surviving person has ceased to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children.

[4](11-C) (*a*) If a person, who in the event of death of a Government servant while in service, is eligible to receive family pension under this rule, is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence, the claim of such a person, including other eligible member or members of the family to receive the family pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(*b*) If on the conclusion of the criminal proceedings referred to in clause (*a*), the person concerned—

(*i*) is convicted for the murder or abetting in the murder of the Government servant, such a person shall be debarred from receiving the family pension which shall be payable to other eligible member of the family, from the date of death of the Government servant,

(*ii*) is acquitted of the charge of murder or abetting in the murder of the Government servant, the family pension shall be payable to such a person from the date of death of the Government servant.

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1. Inserted by G.I., M.F., Notification No. F. 6 (4)-E. V (A)/74, dated the 20th November, 1974.

2. Inserted by G.I., M.F., Notification No. F. 1 (11)-E. V (B)/76, dated the 27th May, 1977.

3. Inserted by G.I., M.F., Notification No. F. 1 (11)-E. V (B)/76, dated the 30th March, 1978.

4. Inserted by G.I., Dept. of P. & A.R., Notification No. 1 (5)-E. V (B)/Pen. (A)/78, dated the 25th August, 1980.

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(*c*) **The provision of clause (*a*) and clause (*b*) shall also apply for the family pension becoming payable on the death of a Government servant after his retirement.**

[1](12) (*a*) (*i*) **As soon as a Government servant enters Government service, he shall give details of his family in Form 3 to the Head of Office.**

(*ii*) **If the Government servant has no family, he shall furnish the details in Form 3 as soon as he acquires a family.**

(*b*) **The Government servant shall communicate to the Head of Office any subsequent change in the size of his family, including the fact of marriage of his female child.**

[2][(*c*) **As and when the disability referred to in proviso to sub-rule (6) of Rule 54 manifests itself in a child which makes him/her unable to earn his/her living, the fact should be brought to the notice of the Head of Office duly supported by a Medical Certificate from a Medical Officer, not below the rank of a Civil Surgeon. This may be indicated in Form 3 by the Head of Office. As and when the claim for family pension arises, the legal guardian of the child should make an application supported by a fresh medical certificate from a Medical Officer, not below the rank of Civil Surgeon, that the child still suffers from the disability.**]

(*d*) (*i*) **The Head of Office shall, on receipt of the said Form 3, get it pasted on the service book of the Government servant concerned and acknowledge receipt of the said Form 3 and all further communications received from the Government servant in this behalf.**

(*ii*) **The Head of Office on receipt of communication from the Government servant regarding any change in the size of family shall have such a change incorporated in Form 3.**

[3](*e*) *Deleted.*

(13) The *ad hoc* increase in pension, sanctioned in the Ministry of Finance, Office Memorandum No. 15 (13)-E. V. (A)/63, dated the 16th October, 1963, as amended from time to time, shall not be payable to the family in receipt of a family pension under this rule.

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1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

2. Inserted by G.I., Dept. of P. & P.W., Notification No. 1/47/87-P. & P.W., dated the 23rd March, 1988; published as S.O. No. 1098, in the Gazette of India, dated the 9th April, 1988, renumbering clause (*c*) as clause (*d*).

3. Deleted by G.I., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

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[1](13-A) A military pensioner, who on retirement from military service, on retiring pension, service pension or invalid pension is governed for the grant of ordinary family pension by Army Instruction 2/S/64 or corresponding Navy or Air Force Instructions and is re-employed in a civil service or civil post before attaining the age of superannuation, shall for the purpose of eligibility for the family pension admissible under this rule or the family pension already authorised under the aforesaid Army/Navy/Air Force Instruction, be governed as follows:—

(*i*) if he dies while holding a civil post in a temporary capacity in the course of re-employment, his family may be allowed to opt for the family pension admissible under this rule or the family pension authorised at the time of his retirement or discharge from the military service under Army Instruction 2/S/64 or the corresponding Navy or Air Force Instruction.

(*ii*) if he retires from civil service or civil post without holding a permanent post in a substantive capacity, his family in the event of his death after retirement shall be eligible for family pension authorised under Army Instructiion 2/S/64 or corresponding Navy or Air Force Instruction.

(*iii*) if on confirmation in a civil service or a civil post in the course of his re-employment, he has opted to retain military pension for the past military service in terms of clause (*a*) of sub-rule (1) of Rule 19 of these rules, he shall exercise another option to receive family pension admissible under this rule or the family pension, already authorised under Army Instruction No. 2/S/64 or the corresponding Navy or Air Force Instruction. The option shall be exercised within a period of three months of the date of the issue of orders of substantive appointment to a civil service or civil post or if he is on leave on that day, within three months of his return from leave, whichever is later. If no option is exercised within the period aforesaid, the pensioner shall be deemed to have opted for family pension authorised under Army Instruction No. 2/S/64 or the corresponding Navy or Air Force Instruction, and

(*iv*) if on confirmation in a civil service or civil post in the course of re-employment he, in terms of clause (*b*) of sub-rule (1) of Rule 19 of these rules, has opted to surrender military pension and count in lieu thereof military service for civil pension, he shall be governed by family pension admissible under this rule.

[2](13-B) Family Pension admissible under this rule shall not be granted to a person who is already in receipt of Family Pension or is eligible

1. Inserted by G.I., Dept. of Per. & A.R., Notification No. 1 (13)-Pen. (A)/80, dated the 18th February, 1981.

2. Inserted by G.I., Dept. of P. & P.W., Notification No. 1/2/85-Pension Unit, dated the 14th November, 1985, published as S.O. No. 5304 in the Gazette of India, dated the 30th November, 1985.

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therefor under any other rules of the Central Government or a State Government and/or Public Sector Undertaking/Autonomous Body/Local Fund under the Central or a State Government:

Provided that a person who is otherwise eligible for family pension under this rule may opt to receive family pension under this rule if he forgoes family pension admissible from any other source.

(14) For the purposes of this rule,—

(*a*) "*continuous service*" means service rendered in a temporary or permanent capacity in a pensionable establishment and does not include—

(*i*) period of suspension, if any; and

(*ii*) period of service, if any, rendered before attaining the age of eighteen years;

(*b*) "*family*" in relation to a Government servant means—

(*i*) wife in the case of a male Government servant, or husband in the case of a female Government servant. [1][***]

[2]NOTE 1.—*Deleted.*

[2]NOTE 2.—*Deleted.*

[3](*ia*) a judicially separated wife or husband, such separation not being granted on the ground of adultery [1][***] and the person surviving was not held guilty of committing adultery.

(*ii*) son who has not attained the age of [4][twenty-five] years and unmarried daughter who has not attained the age of [4][twenty-five] years, including such son and daughter adopted legally before retirement [5][ ];

[6](*c*) "*pay*" means—

(*i*) the emoluments as specified in Rule 33, or

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1. The words "provided the marriage took place before the retirement of the Government servant" were deleted by G.I., Dept. of P. & P.W., Notification No. 1/87/89-P. & P.W. (C), dated the 12th November, 1990, published as S.O. No. 3269 in the Gazette of India, dated the 8th December, 1990. All post-retiral spouses are eligible for family pension from the date following the date of death of the pensioner even if the marriage is prior to the date of notification.—*vide* G.I.D. (18) below this rule.

2. Deleted by G.I., M.F., Notification No. F. 6 (4)-E. V (A)/74, dated the 20th November, 1974.

3. Substituted by G.I., M.F., Notification No. F. 1 (11)-E. V (B)/76, dated the 30th March, 1978.

4. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W., (PIC), dated the 20th July, 1988.

5. The words "but shall not include son or daughter born after retirement" omitted by G.I., Dept. of P. & P.W., Notification No. 1/66/89-P. & P.W./C, dated the 5th June, 1990.

6. Substituted by G.I., Dept. of Per. & A.R., Notification No. F. 38 (4)-Pen. (A)/80, dated the 8th August, 1980.

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(*ii*) **the average emoluments as referred to in Rule 34 if the emoluments of the deceased Government servant have been reduced during the last ten months of his service otherwise than as penalty:**

Provided that the element of dearness allowance which has been treated as dearness pay under the Ministry of Finance, Department of Expenditure, Office Memorandum No. F. 19 (4)-E. V/79, dated the 25th May, 1979, shall not be treated as pay for the purpose of this rule.

(15) Nothing contained in this rule shall apply to—

(*a*) **a re-employed Government servant who had retired before the 1st of January, 1964, from—**

(*i*) **civil service on retiring pension or superannuation pension, or**

(*ii*) **military service on retiring pension, service pension or invalid pension, and who, on the date of re-employment, had attained the age of superannuation applicable to the post in which he is re-employed;**

[1](*b*) **a military pensioner who retired from military service on or after the 1st January, 1964 and who on the date of re-employment in a civil service or civil post had attained the age of superannuation applicable to the post in which he is re-employed;**

[2](*c*) **a Government servant referred to in Rule 37, who on absorption in a corporation or company wholly or substantially owned or controlled by the Government or any other body, incorporated or not, is governed by provisions of the family pension scheme of the corporation or company or body, as the case may be.**

[3]**(16)** *Deleted.*

GOVERNMENT OF INDIA'S DECISIONS

(1) Pension/gratuity payable to a lunatic.—1. When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person (by the Central Government or any State Government) and the person to whom the sum is payable is certified by a Magistrate to be lunatic, the Government Officer under whose authority such sum would be payable, if the payee were not a lunatic, may pay so much of the said sum as he thinks fit to the person having charge of the lunatic and may pay

1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 1 (13)-Pen. (A)/80, dated the 18th February, 1981.

2. Inserted by G.I., Dept. of Per. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

3. Deleted by G.I., Dept. of Per. & A.R., Notification No. 1 (13)-Pen. (A)/80, dated the 18th February, 1981.

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the surplus, if any, or such part thereof, as he thinks fit for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

2. The Government concerned, shall be discharged of all liability in respect of any amounts paid in accordance with the section.

[Section 95 (1) of the Indian Lunacy Act, 1912.]

(2) Procedure when a member of the family forgoes his claim.—A question has been raised whether the payment of pension can be authorised to the second son or the eldest surviving unmarried daughter of the deceased Government servant if the eldest surviving son gives his consent in writing to forgo his claim in favour of his younger brother or sister; and whether the share of the death/retirement gratuity admissible to a member of the Government servant's family can be authorised to another member or members in whose favour the former may have forgone his/her claim. The matter has been carefully considered and it has been decided that since Government would not in such a case get a good discharge from the eldest son or other member of family having a prior claim to the pension, the safer and more appropriate course would be to sanction the pension only in favour of the member entitled to it under the rules. Similarly, the gratuity should also be paid to all the members of the family in equal shares, as has been provided for in the rules even though any of the members may volunteer or desire that his/her share may be paid to some other member(s) of the family.

[G.I., M.F., O.M. No. F. 20 (11)-E. V/57, dated the 27th October, 1957.]

(3) When the widow gives birth to an illegitimate child.—The widow of a Policeman who was governed by the Extraordinary Pension Rules gave birth to an illegitimate child and a question was raised whether her family pension should be stopped. The pension was not payable only on her death or re-marriage, whichever occurred earlier. As there was no legal re-marriage, it was held by the Ministry of Law that the case should be disposed of on the assumption that there has been no re-marriage and as such the pension was accordingly allowed to continue.

[G.I., M.F., U.O. No. 3006-E. V/51, dated the 11th May, 1951.]

(4) Posthumous child entitled to pension.—A doubt arose whether a posthumous child is covered by the term 'surviving kindred' in the application form for family extraordinary pension and whether or not such a child would be entitled to pension and other pensionary benefits admissible under the various pension rules. It was held in consultation with the Ministry of Law that the term 'child' includes a posthumous child of the Government servant.

[G.I., M.F., U.O., No. 9614-E. V/66, dated the 2nd January, 1967.]

(5) Payment of family pension payable to a minor to the *de facto* guardian on production of Indemnity Bond.—1. Decision No. (4) under Rule 51 was made applicable to family pension payable to the minor under

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Ministry of Finance, O.M. No. F. 9 (18)-E. V (A)/65, dated 28-9-65 (*not printed*).

2. The death/retirement gratuity is paid in lump sum. It is, therefore, easy to specify the amount for which the indemnity bond is to be executed by the *de facto* guardian. Family Pension is, however, payable monthly and also for the period till the minor attains the age of 18 years or the date of marriage in the case of a daughter. Doubts are therefore likely to arise whether the limit of Rs. 5,000 (now Rs. 10,000) applies also in the case of family pension and for what amount the indemnity bond should be executed. It is clarified—

(1) that the limit of Rs. 5,000 (now Rs. 10,000) fixed in the case of death/retirement gratuity applies also to the family pension payable to the minor under the above quoted orders.

(2) the indemnity bond for payment of family pension is to be executed for Rs. 5,000 (now Rs. 10,000) or to the total amount of family pension payable to the minor till the date of attainment of majority, i.e., till the age of 18 years, whichever is less.

(3) in case where total amount of family pension payable to a minor till he/she becomes major exceeds Rs. 5,000 (now Rs. 10,000) the payment of the family pension to the *de facto* guardian under the indemnity bond would be made till such time the total amount of family pension paid does not exceed Rs. 5,000 (now Rs. 10,000). Thereafter, the family pension can be paid to the *de facto* guardian on production of guardianship certificate only. If no guardianship certificate is produced, the arrears of family pension can be paid to the minor only after he/she attains the age of 18 years.

[D.G., P. & T., Letter No. 4/34/74-Pen., dated the 20th January, 1975, amended.]

(6) Family pension throughout life admissible also to the physically/mentally handicapped children of those employees who retired/died before 30-9-1974.—1. Proviso to sub-rule (6) of Rule 54 of the CCS (Pension) Rules, 1972, stipulates that if the son or daughter of a Government servant is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 21 years in the case of a son and 24 years in the case of daughter (now 25 years in both cases) the family pension shall be payable to such son or daughter for life subject to the conditions laid down therein. The said proviso was incorporated in the said rule *vide* Notification No. 1 (3)-E. V (B)/74, dated 30-9-1974, and came into effect from that date.

2. Representations have been received from various quarters for grant of family pension to the sons/daughters of Government servants/pensioners who are suffering from disorder or disability of mind, etc., where

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Government servants retired/died before 30-9-1974. The matter has been considered carefully and it has been decided that the benefits of family pension to the sons/daughters of Government servant, who are suffering from any disorder or disability of mind or are physically crippled or disabled so as to render them unable to earn a living be extended to such sons/daughters of Government servants who retired/died before 30-9-1974.

3. These orders will take effect from 20th May, 1987 and no arrears will be admissible.

[G.I., Dept. of P. & P.W., O.M. No. 1/47/87-P. & P.W., dated the 20th May, 1987.]

(7) Condition of manifestation of disability before retirement/death done away with for entitlement of family pension in case of physically/mentally handicaped children.—1. According to the extant provisions in the Central Civil Services (Pension) Rules, 1972, *vide* Rule 54 (6), family pension for life is payable to children suffering from disorder/disability of mind or are physically crippled/disabled rendering them unable to earn a living even after attaining the age of 25 years subject to fulfilment of certain conditions. These rules as originally notified, and which came into force on 1-6-1972 as well as the earlier Government orders on the Family Pension Scheme, 1964, did not, however, contain any provision in this regard. This benefit was introduced for the first time in September, 1974, through the proviso to sub-rule (6) of Rule 54 of the CCS (Pension) Rules, 1972, *vide* M.F., Notification No. 1 (3)-EV (B)/74, dated 30-9-1974. Subsequently, the restriction that such disabled children will be eligible for the benefit only if the disability had manifested itself before the retirement or death in harness of the Government servants [of Explanation (*a*) under Rule 54 (6) of the CCS (Pension) Rules, 1972], was introduced, effective from 23-9-1977, *vide* M.F., Notification No. F. 1 (3)-EV (B)/74, dated 23-9-1977 and the DP & AR, Notification No. 1 (4)-PU/79, dated 9-7-1979. This made the children who acquired the disability subsequent to the retirement/death in harness of the Government servants ineligible for the grant of the benefit of life-time payment of family pension.

2. It has been represented that the restriction imposed from 23-9-1977 is acting harshly on the disabled children, who are in the utmost need to be provided with a succour, being unable to earn a living to sustain themselves, and may, therefore, be removed.

3. It has now been decided that the requirement of manifestation of the disability before the retirement/death in harness of a Government servant as a pre-condition for the grant of life-time family pension, as stipulated in the Explanation (*a*) under Rule 54 (6) of the CCS (Pension) Rules, 1972, may be dispensed with. It has also been decided that the eligible disabled children who were not granted this benefit due to the absence of necessary provision in the Rules/Orders prior to September, 1974 or due to the operation of the restriction from 23-9-1977, as referred to above

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will also now be eligible for the benefit of life-time payment of family pension. This is subject to the condition that they are not already in receipt of any pension or are eligible therefor under any other rules of the Central Government or a State Government and/or a public undertaking/autonomous body/Local Fund under the Central or a State Government.

4. It is clarified that the benefit referred to in para. 3 above will be admissible only to the eligible disabled children, whether born before or after retirement, from marriage that took place whether before or after retirement of Government servants and that its grant shall continue to be governed by the other conditions stipulated in Rule 54 (6) of the CCS (Pension) Rules, 1972 and the Explanations thereunder.

5. These orders take effect from the date of issue, including in respect of the past cases referred in para. 3 above.

6. Formal amendment of the CCS (Pension) Rule, 1972, is being issued separately. [*Clause* (*a*) *of Explanations under Rule* 54 (*b*) *since omitted.*]

[G.I., Dept. of Pen. & Pen. Welfare, O.M. No. 1/80/89-P. & P.W./(C), dated the 19th February, 1990 and O.M. of even number, dated the 29th May, 1991.]

(8) Production of guardianship certificate is necessary for payment of family pension to physically crippled/disabled minor children and children suffering from any disorder or disability of mind.—It is clarified that the existing stipulation in regard to guardianship certificates/appointment of guardians will continue to apply in respect of the physically crippled/disabled children who are minors and the children suffering from any disorder or disability of mind as they are covered by the existing laws for the purpose of obtaining guardianship certificates/appointment of guardians by the Courts.

[G.I., Dept. of P. & P.W., O.M. No. 1/47/87-P. & P.W.,/C, dated the 30th March, 1989.]

(9) Family pension to be stopped if son/unmarried daughter starts earning livelihood before attaining 25 years of age.—An unmarried daughter shall become ineligible for family pension from the date she gets married. Further, the family pension payable to a son or daughter shall be stopped if he or she starts earning his or her livelihood, or attains 25 years of age whichever is earlier.

[G.I., Dept. of P. & P.W., O.M. No. 1/2/86-P. & P.W., dated the 6th August, 1987.]

(10) Guidelines for regulating payment of family pension to sons/unmarried daughters, in the context of the changes in age-limits for eligibility.—The age for eligibility to family pension in the case of eligible sons and unmarried daughters under the Family Pension Scheme, 1964, has undergone some changes since its inception from 1-1-1964. Enquiries have been received to ascertain the manner of application of the changes in age for eligibility as brought out in the relevant orders issued from time

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to time. This matter has been carefully considered in consultation with the Ministry of Finance (Department of Expenditure) and it has been decided that the cases may be regulated in accordance with the guidelines enclosed.

[G.I., Dept. of P. & P.W., O.M. No. 1/2/86-P. & P.W./C, dated the 20th February, 1989.]

ENCLOSURE

(*i*) *Ministry of Finance, Office Memorandum No. F.* 1 (6)-*EV* (*B*)/77, *dated* 29-3-1978

Eligible sons who had not crossed the age of 18 years as on 29-3-1978 would continue to get family pension up to the age of 21 years.

Eligible unmarried daughters who had not crossed the age of 21 years as on 29-3-1978 would continue to get the family pension up to the age of 24 years.

Sons/daughters who had already crossed the age of 18/21 years as on 29-3-1978 would not be entitled to the benefit of increase in the age-limits under the above-mentioned Office Memorandum.

(*ii*) *Department of Personnel, Office Memorandum No.* 1/2/86-*P. & P.W., dated* 21-5-1986

Unmarried daughters who had not crossed the age of 24 years as on 21-5-1986 would continue to get family pension up to the age of 30 years.

The unmarried daughters who had already crossed the age of 24 years as on 21-5-1986 would not be entitled to the benefit of increase in the age-limit under the above-mentioned Office Memorandum.

(*iii*) *Department of Pension and P.W., Office Memorandum No.* 1/2/86-*P. & P.W., dated* 6-8-1987

Sons who had not crossed the age of 21 years as on 6-8-1987, would continue to get family pension up to the age of 25 years. Sons who had crossed the age of 21 years as on 6-8-1987, would not be entitled to the benefit of increase in age-limit under the above-mentioned orders.

In the case of unmarried daughters the payments may be regulated as follows:—

(*a*) Where the payment of family pension to an unmarried daughter has already commenced prior to 6-8-1987, she will continue to draw the same until she has attained the age of 30 years.

(*b*) In the case of unmarried daughters where the payment of family pension commenced on or after 6-8-1987, the same will be tenable up to their age of 25 years.

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2. The other provisions regarding eligibility to family pension in the case of sons and daughters shall continue to apply.

3. Cases may be regulated in accordance with the above-mentioned guidelines. In regulating the cases, no readjustment need be made where the family pension entitlement has already passed on to the next eligible son or daughter. For example, if the payment of family pension to a son 'A' had been stopped on his attaining the age of 18 years, say, from 1-1-1979 and thereafter family pension has already been paid to the next eligible son 'B'/unmarried daughter 'C', it will not be withdrawn from 'B' or 'C' for being restored to 'A'.

(11) Family pension admissible also to the family of a Government servant died prior to 27-1-1979 before completing one year's service.—It has been decided that the benefits of Family Pension Scheme, 1964, be extended to the families of those Government servants who died before completion of one year's continuous service prior to 27-1-1979, but who had been examined by the appropriate medical authority and declared fit by that authority for Government service prior to this appointment.

These orders will take effect from the date of issue and no arrears will be admissible.

[G.I., Dept. of Per. & Trg., O.M. No. 1/23/86-P. & P.W., dated the 24th October, 1986.]

(12) Payment of retirement gratuity and family pension to the family, in case an official's whereabouts are not known.—1. A number of cases are referred to this Department for grant of family pension to the eligible family members of employees who have suddenly disappeared and whose whereabouts are not known. At present all such cases are considered on merits in this department. In the normal course unless a period of 7 years has elapsed since the date of disappearance of the employee, he cannot be deemed to be dead and the retirement benefits cannot be paid to the family. This principle is based on Section 108 of the Indian Evidence Act which provides that when the question is whether the man is alive or dead and it is proved that he has not been heard of for 7 years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

2. The matter has been under consideration of the Government for some time as withholding of the benefits due to the family has been causing a great deal of hardship. It has been decided that (*i*) when an employee disappears leaving his family, the family can be paid in the first instance the amount of salary due, leave encashment due and the amount of GPF having regard to the nomination made by the employee, (*ii*) after the elapse of a period of one year, other benefits like retirement or death gratuity/family pension may also be granted to the family subject to the fulfilment of conditions prescribed in the succeeding paragraphs.

3. The above benefits may be sanctioned by the Administrative Ministry/Department after observing the following formalities:—

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(*i*) The family must lodge a report with the concerned Police Station and obtain a report that the employee has not been traced after all efforts had been made by the police.

(*ii*) An Indemnity Bond should be taken from the nominee/dependants of the employee that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim.

4. The Head of Office will assess all Government dues outstanding against the Government servant and effect their recovery in accordance with Rule 71 of CCS (Pension) Rules, 1972 and other instructions in force for effecting recovery of Government dues.

5. The family can apply to the Head of the Office of the Government servant for grant of family pension and death/retirement gratuity, after one year from the date of disappearance of the Government servant in accordance with the prescribed procedure for sanction of family pension and death/retirement gratuity. In case the disbursement of death/retirement gratuity is not effected within three months of the date of application, the interest shall be paid at the rates applicable and responsibility for the delay fixed.

[G.I., Dept. of P. & P.W., O.M. No. 1/17/86-P. & P.W., dated the 29th August, 1986.]

NOTE.—The above orders regulate genuine cases of disappearance under normal circumstances and not the cases in which officials disappear after committing frauds, etc. In latter type of cases the family pension needs to be sanctioned only on the Government employee being acquitted by the Court of Law or after the conclusion of the disciplinary proceedings, etc., as the case may be.

[G.I., Dept. of Posts, Circular Letter No. 4-52/86-Pen, dated the 3rd March, 1989.]

(13) Payment of retirement gratuity and family pension to the family in case an official's/pensioner's whereabouts are not known—further instructions.—1. Following certain doubts expressed by some Ministries/Departments in the application of this Department's O.M. No. 1/17/86-P. & P.W., dated the 29th August, 1986 [*Decision* (12) *above*], clarifications/further instructions regarding the formalities to be observed, regulation of payment of the benefits, etc., as contained in the following paragraphs, are circulated.

2. This Department O.M. No. 1/17/86-P. & P.W., dated 29-8-1986 [*Decision* (12) *above*], as well as this OM, will also be applicable in the case of missing pensioners *mutatis mutandis.*

3. The date of disappearance of the employee/pensioner will be reckoned from the date the First Information Report is lodged with the Police, and the period of one year after which the benefits of family pension and gratuity are to be sanctioned will also be reckoned from this date. However, the benefits to be sanctioned to the family, etc., of the missing employee will be based on and regulated by the emoluments drawn by him

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and the rules/orders applicable to him as on the last date he/she was on duty including authorised periods of leave. "Family pension at normal/ enhanced rates, as may be applicable in individual cases, will be payable to the families of missing employees." Family pension where sanctioned at pre-1-1-1986 rates will be revised and consolidated, w.e.f. 1-1-1986 in terms of O.M. No. 2/1/87-PIC I, dated 16-4-1987 (*not printed*), as amended from time to time.

4. In the case of missing pensioners, the family pension at the rates indicated in the PPO will be payable and may be authorised by the Head of the Office concerned. Where the PPO does not contain this information, the Head of Office will take necessary action to sanction the family pension as due, as provided in para. 3 above.

5. Death gratuity will also be payable to the families, but not exceeding the amount which would have been payable as Retirement gratuity if the person had retired. The difference between retirement gratuity and death gratuity shall be, subsequently, payable after the death is conclusively established or on the expiry of seven years period from the date of missing.

6. The indemnity bond to be obtained for this purpose from the family members, etc., will be in the formats enclosed with this Office Memorandum. Separate formats for use in the case of missing employees and missing pensioners have been prescribed. These formats have been finalised in consultation with the Department of Legal Affairs.

7. Cases already settled otherwise than in accordance with this Office Memorandum need not be re-opened, unless such a re-opening will be to the advantage of the beneficiaries.

[G.I., Dept. of P. & P.W., O.M. No. 1/17/86-P. & P.W. (C), dated the 25th January, 1991.]

INDEMNITY BOND

[In the case of missing employee]

KNOW ALL MEN by these presents that we (*a*).....(*b*).....the wife/son/brother/nominee, etc., of (*c*).....who was holding the post of..... in the Ministry/Department/Office of.....is reported to have been missing since.....(hereinafter referred to as 'missing Government servant') resident of .....(hereinafter called "the Obligor") and (*d*).....son/wife/daughter of Shri..... resident of.....and.....son/wife/daughter of.....resident of.....the sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the President of India (hereinafter called "the Government") in the sum of Rs.....(in words) equivalent of the amount on account of payment of salary, leave encashment, GPF, Retirement/Death Gratuity and each and every sum being the monthly family pension well and truly to be paid to the Government, on demand and without a demur together with simple interest @.....% p.a. from the date of payment thereof until repayment for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents.

Signed this.....day of.....one thousand nine hundred and.....

WHEREAS (*c*).....was at the time of his disappearance in the employment of the Government receiving a pay at the rate of Rs.....(in words) only per month from the Government.

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AND WHEREAS the said (*c*).....disappeared on the.....day of..... 19.....and there was due to him at the time of his disappearance the sum equivalent of (*i*) salary due/(*ii*) leave encashment, (*iii*) GPF and (*iv*) Retirement/Death Gratuity.

AND WHEREAS the Obligor is entitled to family pension at Rs..... (Rupees.....only) *plus* admissible dearness relief thereon.

AND WHEREAS the Obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of Rs.....(in words) and monthly family pension @ Rs.....(in words) only and relief thereon to the Obligor upon the Obligor and the Sureties entering into a Bond in the above-mentioned sum to indemnify the Government against all claims to the amount so due to the aforesaid missing Government servant.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been made to the Obligor, the Obligor and/or the Surety/Sureties shall in the event of a claim being made, by any other person or the missing employee on appearance, against the Government with respect to the aforesaid sum of Rs.....(in words) and the sums paid by the Government as monthly pension and relief as aforesaid then refund to the Government the said sum of Rs.....(in words) and each and every sum paid by Government as monthly pension and relief together with simple interest @.....% per annum and shall, otherwise, indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto THEN the above-written Bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the Surety/Sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above-written.

Signed by the above-named 'Obligor' in the presence of

1.....

2.....

Signed by the above-named 'Surety'/'Sureties'

1.....

2.....

Accepted for and on behalf of the President of India by.....

.....

[Name and designation of the Officer directed or authorised in pursuance of, Article 299 (1) of the Constitution, to accept the Bond for and on behalf of the President] in the presence of.....

.....

(*Name and designation of witness*)

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NOTE I.—(*a*) Full name of the claimant referred to as the 'Obligor'.

(*b*) State relationship of the 'Obligor' to the 'missing Government servant'.

(*c*) Name of the 'missing Government servant'.

(*d*) Full name or names of the Sureties with name or names of the father(s)/ husband(s) and place of residence.

NOTE II.—The Obligor as well as the Sureties should have attained majority so that the bond may have legal effect or force.

NOTE III.—The rate of simple interest will be as prescribed by the Government from time to time. It is 6% p.a. on the date of issue of the OM.

INDEMNITY BOND

[In the case of missing pensioner]

KNOW ALL MEN by these presents that we (*a*).....(*b*).....the widow/ son/brother/nominee, etc., of (*c*).....who had retired from the post of..... in the Ministry/Department/Office of.....and who was in receipt of pension from.....is reported to have been missing since.....(hereinafter referred to as 'missing pensioner' resident of.....(hereinafter called "the Obligor") and (*d*).....son/wife/daughter of Shri.....resident of..... and.....son/wife/daughter of Shri.....resident of.....the sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the President of India (hereinafter called "the Government") in each and every sum being the arrears of pension and monthly family pension and relief thereon well and truly to be paid to the Government on demand and without a demur together with simple interest at the rate of.....% per annum from the date of payment until repayment for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents.

Signed this.....day of.....one thousand nine hundred and.....

WHEREAS (*c*).....was at the time of his disappearance a Central Government pensioner receiving a pension at the rate of Rs.....(in words) only per month and relief thereon from the Government.

AND WHEREAS the said (*c*).....disappeared on the.....day of..... 19.....and there was due to him at the time of his disappearance the sum equivalent of arrears of pension due.

AND WHEREAS the Obligor is entitled to family pension at Rs..... (Rupees.....only) *plus* admissible dearness relief thereon.

AND WHEREAS the Obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of Rs.....(in words) and the monthly family pension at Rs.....(in words) *plus* relief thereon to the Obligor upon the Obligor and the Sureties entering into a Bond in the above-mentioned sum to indemnify the Government against all claims to the amount so due to the aforesaid missing Government pensioner.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been made to the Obligor, the Obligor and/or the Surety/Sureties shall in the event of a claim being made, by any other person or the missing pensioner on appearance, against the Government with respect to the aforesaid sum of Rs.....(in words) and the sums paid by the Government as monthly family pension and relief as aforesaid then refund to the

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Government the said sum of Rs.....(in words) and each and every sum paid by Government as monthly family pension and relief together with simple interest @.....% per annum and shall, otherwise, indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto THEN the above-written Bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties hereunder shall not be impaired or discharged by reason or time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the Surety/Sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above-written.

Signed by the above-named 'Obligor' in the presence of

1.....

2.....

Signed by the above-named 'Surety'/'Sureties'

1.....

2.....

Accepted for and on behalf of the President of India by.....

.....

[Name and designation of the Officer directed or authorised in pursuance of Article 299 (1) of the Constitution, to accept the Bond for and on behalf of the President] in the presence of.....

.....

(*Name and designation of witness*)

NOTE I.—(*a*) Full name of the claimant referred to as the 'Obligor'.

(*b*) State relationship of the 'Obligor' to the 'missing pensioner'.

(*c*) Name of the 'missing pensioner'.

(*d*) Full name or names of the Sureties with name or names of the father(s)/ husband(s) and place of residence.

NOTE II.—The Obligor as well as the Sureties should have attained majority so that the bond may have legal effect or force.

NOTE III.—The rate of simple interest will be as prescribed by the Government from time to time. It is 6% p.a. on the date of issue of the OM.

(14) Second wife not entitled to the family pension as a legally wedded wife under the Hindu Marriage Act.—The Department of Pension and Pensioners' Welfare have since clarified that the second wife will not be entitled to family pension as a legally wedded wife. A copy of their clarification is enclosed for information.

[C. & A.G., New Delhi, Letter No. 211-Audit I/13-86, dated the 4th March, 1987.]

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COPY OF D.O., LETTER NO. 1/39/86-P. & P.W., DATED 16-2-1987, RECEIVED FROM SHRI HAZARA SINGH, DEPUTY SECRETARY, DEPARTMENT OF PENSION AND P.W., NEW DELHI.

An extract of the relevant advice given by the Ministry of Law in the matter is enclosed. You may like to take necessary action in the matter accordingly.

EXTRACT

It is specifically a question arising under the Hindu Marriage Act, 1955. Under Rule 54 (7) of the CCS (Pension) Rules, 1972, in case a deceased Government servant leaves behind more than one widow or a widow and eligible offspring from another widow, they are entitled to family pension in respect of that deceased Government servant. Section 11 of the Act provides that any marriage solemnized after the commencement of the Act shall be null and void and can be annulled against the other party by a decree of nullity if the same contravenes any of the conditions specified in clauses (*i*), (*iv*) and (*v*) of Section 5 of the Act. Section 5 (1) stipulates that the marriage cannot be legally solemnized when either party has a spouse living at the time of such marriage. Therefore, any second marriage by a Hindu male after the commencement of 1955 Act during the lifetime of his first wife will be a nullity and have no legal effect. Such marriage cannot be valid on the ground of any custom. In fact, a custom opposed to an expressed provision of law is of no legal effect. So under these circumstances, the second wife will not be entitled to the family pension as a legally wedded wife.

(15) When the husband declines to accept family pension in any capacity.—A case has been reported where on the death of a married woman employee, who left behind minor children, the husband of the deceased had declined to accept the family pension in any capacity and also given his consent to pay the same to the real guardian of the deceased's children, i.e., his father-in-law. The widower was having another living wife at the time of the death of the deceased Government servant.

The following point relating to the case was referred to the Government of India by this office. The Ministry of Finance in consultation with the Ministry of Law and Department of Personnel and Administrative Reforms have now issued the clarification below:

Point raised for clarification:

If the husband has another living wife at the time of death of a female Government servant, it is the same as re-marriage and as such the husband of the deceased female Government servant is not entitled to the Family Pension under Rule 54 (6) (*i*) of the CCS (Pension) Rules, 1972. Will it be in order in the instant case to pay the family pension to the minor children through the father of the deceased employee who is their guardian, when the natural guardian, viz., father of the children, is living?

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Clarification issued:

It will be in order in the instant case to pay the family pension to the minor children through the father of the deceased employee, i.e., their guardian, when the natural guardian, i.e., father of the children, is living. This is, however, subject to recognition of his legal guardianship by the court.

[A.G., Letter No. 61/Audit/95-75, dated the 19th January, 1976.]

(16) Rounding off when family pension is doubled.—A doubt has arisen as to whether in calculating the amount of family pension admissible under Rule 54 (3) (*a*) the amount of family pension admissible under Rule 54 (2) has to be rounded off at the initial stage and that the amount thus obtained is to be doubled or whether the amount of family pension admissible under Rule 54 (2) has to be determined first, the amount thus admissible doubled and thereafter rounded off to the next higher rupee.

It is clarified that the rounding off the amount of family pension in terms of sub-rule (2-A) of Rule 54 has to be done at the final stage, i.e., after doubling the amount initially calculated.

For example, if the amount admissible under Rule 54 (2) is, say, Rs. 116.25 p.m., the enhanced pension under Rule 54 (3) (*a*) should first be worked out as Rs. 232.50 and then rounded off to the next higher rupee, i.e., Rs. 233. If rounding off is allowed at the initial calculation, it would give double benefit by raising the amount still higher, i.e., Rs. 234, which is not the intention of the Rule.

Where the last pay drawn is Rs. 223 p.m., the amount of family pension admissible under Rule 54 (3) (*a*) would have to be restricted to Rs. 111.50 (fifty per cent of pay). The amount should be rounded off to Rs. 111.

[G.I., M.F., U.O. No. 4231-E. V (B)/74, dated the 24th December, 1974 and C. & A.G., Circular No. 28-Audit/180-73, dated the 7th January, 1975.]

(17) Rounding off of pension/family pension when payable to more than one person/payable for part of a month.—*See* Decision (3) below Rule 49.

(18) Family pension to post-retiral spouses.—According to Rule 54 (14) (*b*) (*i*) of the CCS (Pension) Rules, 1972, the post-retiral spouses are not entitled to family pension. Smt. Bhagwanti, widow of a Defence pensioner and Smt. Sharda Swamy, widow of a Railway pensioner, who had married after retirement, filed Writ Petitions No. 1128 of 1988 and 1204 of 1988, respectively, in the Supreme Court claiming that the benefit of the family pension scheme may also be extended to them. The Hon'ble Supreme Court in its judgment, dated 29-8-1989, allowed the petitions of Smt. Bhagwanti and Smt. Sharda Swamy.

2. The matter regarding implementation of the judgment of the Supreme Court has been considered by the Government. The President

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is, accordingly, pleased to decide that the benefit of Family Pension Scheme, 1964, will also be admissible to the post-retiral spouses from the date following the date of death of the pensioner.

3. Life time arrears, wherever admissible, of family pension in respect of spouses of the deceased post-retiral spouses would also be payable to their family members/heirs where the spouse eligible for family pension was alive on the date of eligibility and who died subsequent to that date, for the period from the date of eligibility to the date of death.

4. The sanction of family pension and its payment will be regulated in accordance with the procedure laid down in the CCS (Pension) Rules, 1972.

5. These orders do not apply to Railway employees, persons paid from Defence Services estimates and the members of the All India Services. Separate order in respect of them would be issued by the respective Ministries.

6. In their application to the families of pensioners who retired/retire from Indian Audit and Accounts Department, these orders have been issued after consultation with the Comptroller and Auditor-General of India.

7. Formal amendment to Rule 54 (14) (*b*) (*i*) and (*ia*) of the CCS (Pension) Rules, 1972, is being issued separately (since amended).

[G.I., Dept. of P. & P.W., O.M. No. 1/87/89-P. & P.W./C, dated the 30th November, 1990.]

AUTHORS' NOTE.—The benefit of the above OM, dated the 30th November, 1990, is admissible also to post-retiral spouses whose marriages were solemnised after retirement even before 30th November, 1990.

(19) Regulation of past cases of family pension admissible to children born after retirement.—The Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Pension and Pensioners' Welfare) have issued the following clarification in respect of the above-mentioned points:—

(*i*) The sons/daughters born after retirement but before the issue of the amendment to Rule 54 (14) (*b*) (*ii*) *vide* G.o.I. Notification No. 1/66/89-P. & P.W./C, dated 5-6-1990 (making children born after retirement eligible for family pension), will also be eligible for family pension thereunder.

(*ii*) The arrears of family pension will be admissible under the said Notification to the sons/daughters from the date they became entitled to family pension, that is, the date following the date of death of the Government employee or his wife, etc., as the case may be.

[C. & A.G. of India, New Delhi, Letter No. 43-Audit. I/94-AI/90 KW (13), dated the 18th January, 1991.]

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(20) Families of temporary/quasi-permanent Government servants retired on superannuation/invalidation on completion of 10 years service prior to 1-1-1986 eligible for Family Pension, 1964.—1. In accordance with G.I., Department of Personnel and Administrative Reforms, O.M. No. 38 (16)-Pension Unit/80, dated the 30th December, 1980 (*not printed*), a Government servant who, retires from service on attaining the age of superannuation or on his being declared to be permanently incapacitated for further Government service by the appropriate medical authority after rendering temporary/quasi-permanent service of not less than 20 years, is eligible for the grant of superannuation or invalid pension, death-cum-retirement gratuity and family pension in accordance with CCS (Pension) Rules, 1972.

2. The said OM has further been modified *vide* Department of Pension and Pensioners' Welfare, O.M. No. 2/4/87-PIC, dated the 14th April, 1987 (*not printed*), providing for grant of superannuation/invalid pension, retirement gratuity and family pension at the same scale as admissible to permanent employees under the CCS (Pension) Rules, 1972, in respect of Government employees who are/were in service on 1-1-1986, and who retire on superannuation or on being declared permanently incapacitated for further Government service by the appropriate medical authority after having rendered temporary/quasi-permanent service of not less than 10 years.

3. The question regarding grant of family pension to the families of Government employees who retired on superannuation or on being declared permanently incapacitated for further Government service by the appropriate medical authority after having rendered not less than 10 years temporary/quasi-permanent service before 1-1-1986, has been under consideration of the Government for some time past. It has been decided that the family of a Government servant who retired on superannuation or on being declared permanently incapacitated for further Government service by the appropriate medical authority after having rendered temporary/quasi-permanent service of not less than 10 years prior to 1-1-1986, will also be eligible to family pension under the CCS (Pension) Rules, 1972, at the same scale as admissible to the family of a permanent employee from time to time.

4. Formal amendment to CCS (Pension) Rules, 1972, will be issued separately.

5. The provision of this Office Memorandum shall apply to those temporary/quasi-permanent Government servants who retired before 1-1-1986. The benefit will be available to the widows from the date of issue of this Office Memorandum, i.e., 14-1-1988.

6. The same procedure as provided for in Chapters IX and X of the CCS (Pension) Rules, 1972, will be followed *mutatis mutandis* for grant of Family Pension under this Office Memorandum.

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7. These orders issue in consultation with the Ministry of Finance, Department of Expenditure, *vide* their U.O. No. 2135/E. V/87, dated the 4th November, 1987.

[G.I., Dept. of P. & P.W., O.M. No. 1/75/87-P. & P.W., dated the 14th January, 1988.]

55. Family Pension, 1950

[1]*Deleted.*

[2][55-A. Dearness Relief on Pension/Family Pension

(*i*) Relief against price rise may be granted to the pensioners and family pensioners in the form of dearness relief at such rates and subject to such conditions as the Central Government may specify from time to time.

(*ii*) If a pensioner is re-employed under the Central or State Government or a Corporation/Company/Body/Bank under them in India or abroad including permanent absorption in such Corporation/Company/Body/Bank, he shall not be eligible to draw dearness relief on pension/family pension during the period of such re-employment.

(*iii*) The Central Government employees who get permanently absorbed in terms of Rule 37 and opt for lump sum payment in lieu of *pro rata* monthly pension in terms of Rule 37, shall not be eligible for dearness relief.]

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1. Deleted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

2. Inserted by G.I., Dept. of P. & P.W., Notification No. 42 (30)-P. & P.W./89-E, dated the 22nd January, 1991, published as S.O. No. 409 in the Gazette of India, dated the 9th February, 1991.

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[1]CHAPTER VIII

Determination and authorisation of the amounts of pension and gratuity

56. Preparation of list of Government servants due for retirement

(1) Every Head of Department shall have a list prepared every six months, that is, on the 1st January, and the 1st July each year of all Government servants who are due to retire within the next 24 to 30 months of that date.

(2) A copy of every such list shall be supplied to the Accounts Officer concerned not later than the 31st January or the 31st July, as the case may be, of that year.

(3) In the case of a Government servant retiring for reasons other than by way of superannuation, the Head of Office shall promptly inform the Accounts Officer concerned, as soon as the fact of such retirement becomes known to him.

(4) A copy of intimation sent by the Head of Office to the Accounts Officer under sub-rule (3) shall also be endorsed to the Directorate of Estates if the Government servant concerned is an allottee of Government accommodation.

57. Intimation to the Directorate of Estates regarding issue of "No Demand Certificate"

(1) The Head of Office shall write to the Directorate of Estates at least two years before the anticipated date of retirement of the Government servant who is in occupation of a Government accommodation, (hereinafter referred to as allottee) for the issue of a 'No demand certificate' in respect of the period preceding eight months of the retirement of the allottee.

(2) On receipt of the intimation under sub-rule (1), the Directorate of Estates shall take further action as provided in Rule 72.

GOVERNMENT OF INDIA'S DECISIONS

(1) **Issue of 'No Demand Certificate'.**—1. The existing procedure for the issue of "No Demand Certificate" by the Directorate of Estates has been incorporated in Rules 57 and 72 of the CCS (Pension) Rules, 1972.

1. Substituted by G.I., Dept. of Per. & A.R., Notification No. (1) Per. (A)/79, dated the 19th May, 1980.

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With a view to expediting the issue of 'No Demand Certificate', the question of simplifying and rationalising the existing procedure was further examined and supplementary instructions were issued. Briefly, the Administrative Ministries/Departments concerned are required to furnish a list of Government servants in occupation of Government accommodation, along with applications from the individual, on the prescribed form, for issue of 'No Demand Certificate', to the Directorate of Estates at least two years before the date of superannuation of the official concerned. Under the existing orders, the Directorate of Estates in its turn would issue an Advance 'No Demand Certificate' to the Department concerned with a copy endorsed to the individual concerned eight months before the date of superannuation informing—

(*i*) the amount of licence fee due up to that period, i.e., eight months prior to the date of superannuation;

(*ii*) the monthly rate of recovery of licence fee for the rest of the service, i.e., eight months; and

(*iii*) the amount of licence fee recoverable for two months (*now four months*) period of retention allowed after retirement.

2. On receipt of such an intimation from the Directorate of Estates, the Department concerned is responsible for the recovery of the amounts as indicated above. Thereafter, it is at liberty to finalise the pension account of the individual without any further certificate from the Directorate of Estates. After permissible period of retention, i.e., from the date of cancellation, the occupant is to be dealt with by the Directorate of Estates as if it were a private party. Thus, the Department concerned is no longer required to correspond with the Directorate of Estates about that individual for the period beyond the cancellation of allotment. This procedure has been brought to the notice of all Ministries/Departments, etc., again by the Directorate of Estates *vide* their OM No. 3/28/82-(P-I)/RCS, dated the 4th May, 1983 (*copy reproduced below*).

3. From the position explained above, it is very clear that after ensuring recoveries mentioned in para. 1, the Departments are at liberty to finalise the accounts of the retired Government servants. Besides, if the Directorate of Estates, for certain reasons, fails to inform the Department concerned about the dues eight months prior to his date of retirement, they are free to assume that nothing is due on account of rental dues in the books of the Directorate of Estates and they can finalise the pension papers of the individual concerned without waiting for any certificate from the Directorate of Estates, provided the Department had forwarded the application for No Demand Certificate two years in advance and had obtained an acknowledgement for the same.

4. It has been brought to the notice of this Department that most of the Ministries and their attached and subordinate offices do not adhere to these instructions and insist for a final "No Demand Certificate" from the Directorate of Estates to enable the retired Government servant to

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get back his withheld amount of the Retirement Gratuity. Scores of such retired Government servants visit the Directorate of Estates for this purpose which entails unavoidable work all round apart from harassment to the Government servants by their own Departments. It is, therefore, impressed on all the Ministries/Departments that the existing prescribed procedure should be strictly and scrupulously followed by all concerned so that the retiring and retired Government servants do not experience any hardship due to delays in the settlement of their pension cases.

[G.I., M.H.A., Dept. of Per. & A.R., O.M. No. 41/6/84-Pension Unit, dated the 18th July, 1984.]

COPY OF DIRECTORATE OF ESTATES, O.M. NO. 3/28/82 (PI)/RCS, DATED THE 4TH MAY, 1983.

1. Attention is invited to the Directorate of Estates' Office Memo. No. 3/3/76-RCS, dated 23-6-1977, followed by another O.M. No. 3/28/81-RCS, dated 23-8-1982, according to which the Departments concerned are required to furnish a list of Government servants along with application from the individuals, on the prescribed form for issue of No Demand Certificate to the Directorate of Estates at least 2 years before the date of superannuation of the officials in occupation of General Pool Accommodation.

2. The Directorate of Estates in its turn would issue an Advance No Demand Certificate to the Department concerned with a copy endorsed to the individual concerned 8 months before the date of superannuation informing the amount of licence fee due up to that period, i.e., 8 months prior to the date of superannuation besides the rate of monthly recovery of licence fee for the rate of the service, i.e., 8 months. The amount of licence fee recoverable for 2 (*now* 4) months period of retention allowed after retirement, is also to be intimated simultaneously. Thereafter the Departments are at liberty to finalise the pension account of the individual. The Department has to ensure full recovery of the amount shown as due in the advance "No Demand Certificate". At the time of sanctioning pension, PPO No. and the particulars of Treasury/Bank on which it is issued, is to be intimated to the Directorate of Estates along with the permanent residential address of the retiring officer. After the permissible period of retention, i.e., from the date of cancellation, the occupant is to be dealt with by the Directorate of Estates as if it were a private party. The Departments concerned are no longer required to correspond with the Directorate of Estates about that individual for the period beyond the cancellation of allotment. However, it is seen that at the time of releasing the withheld amount of DCRG, many of the offices insist for another certificate from the Directorate of Estates on this account. As explained above, no such further certificate is normally required to be issued by the Directorate of Estates.

3. All the Ministries/Departments are requested to adhere to the time-schedule of informing the Directorate of Estates the date of superannuation of an allottee two years before his retirement and after the receipt of advance Final Demand Certificate issued by this Directorate, they should not normally ask for any further certificate on this account.

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(2) Issue of 'No Demand Certificate' in case of Interpool exchange of Government accommodation.—1. Interpool exchange of the General Pool accommodation with Departmental or other Autonomous Bodies accommodation is occasionally made in certain cases so that an Officer occupying a particular quarter does not have to shift unnecessarily at a particular station. In such cases, the Department concerned is required to deposit the licence fee collected from the allottee with the Directorate of Estates. Sometimes the Department fails to deposit the licence fee even though they have actualy recovered the same from the officer occupying the accommodation in question. The amount remains in arrears in some cases even after termination of interpool exchange. Meanwhile if the allottee retires, he is not issued the 'No Demand Certificate' on the ground that some dues for the period of exchange have not been settled, notwithstanding the fact that the allottee had paid the licence fee to the department. As a result the allottee suffers, because part of his gratuity is withheld pending issue of 'No Demand Certificate'.

2. After due consideration it has been decided that the 'No Demand Certificate' should not be withheld in respect of retired officer merely on the ground that some adjustment of dues between two organisations is pending for the period the quarter remained exchanged with departmental pool, provided there are no other dues to be recovered from the officer for other periods and it has also been certified by the department concerned that the officer had actually paid the licence fee to the department, where he remained posted during the period the quarter was exchanged with department pool.

[G.I., Dir. of Estates, O.M. No. 12035 (18)/90-Pol. II, dated the 5th November, 1990.]

(3) Directorate of Estates to be informed forthwith regarding retirement/death of occupants of quarters.—As per present practice, all the Ministries/Departments are required to intimate this Directorate about the transfer/retirement/death of a Government servant working under their administrative control to enable this Directorate to cancel the quarter, if any, in the name of that Government servant. However, it has been observed that this practice is not being followed scrupulously by most of the Ministries/Departments with the result that the Government servants who are transferred out of Delhi or retired, continue to retain Government accommodation unauthorisedly for considerably long periods. The Comptroller and Auditor-General in his report ending 31st March, 1989, have taken a serious view of the situation and have pointed out 734 such cases where there was delay in cancellation of quarters due to retirement/transfer/death of the Government servant.

It is, therefore, impressed upon all the Ministries/Departments once again to intimate this Directorate about the transfer of Government servants from one office to another or to outstation and about retirement or death of the Government servant immediately on the occurrence of such events to enable this Directorate to take further necessary action in respect

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of Government accommodation, if any, allotted to that Government servant.

[G.I., Dir. of Estates, O.M. No. 23011/4/89/Pol. III, dated the 28th December, 1990.]

58. Preparation of pension papers

Every Head of Office shall undertake the work of preparation of pension papers in Form 7 two years before the date on which a Government servant is due to retire on superannuation, or on the date on which he proceeds on leave preparatory to retirement whichever is earlier.

59. Stages for the completion of pension papers

(1) The Head of Office shall divide the period of preparatory work of two years referred to in Rule 58 in the following three stages:—

(*a*) *First Stage.*—Verification of service:

(*i*) The Head of Office shall go through the service book of the Government servant and satisfy himself as to whether the certificates of verification for the entire service are recorded therein.

(*ii*) In respect of the unverified portion or portions of service, he shall arrange to verify the portion or portions of such service, as the case may be, with reference to pay bills, acquittance rolls or other relevant records and record necessary certificates in the service book.

(*iii*) If the service for any period is not capable of being verified in the manner specified in sub-clause (*i*) and sub-clause (*ii*), that period of service having been rendred by the Government servant in another office or Department, a reference shall be made to the Head of Office in which the Government servant is shown to have served during that period for the purpose of verification.

(*iv*) If any portion of service rendered by a Government servant is not capable of being verified in the manner specified in sub-clause (*i*), or sub-clause (*ii*), or sub-clause (*iii*), the Government servant shall be asked to file a written statement on plain paper stating that he had in fact rendered that period of service, and shall, at the foot of the statement, make and subscribe to a declaration as to the truth of that statement, and shall in support of such declaration produce all documentary evidence and furnish all information which is in his power to produce or furnish.

(*v*) The Head of Office shall, after taking into consideration the facts in the written statement and the evidence produced and the information furnished by that Government

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servant in support of the said period of service, admit that portion of service as having been rendered for the purpose of calculating the pension of that Government servant.

(*b*) *Second Stage.*—Making good omission in the service book.—

(*i*) The Head of Office while scrutinising the certificates of verification of service, shall also identify if there are any other omissions, imperfections or deficiencies which have a direct bearing on the determination of emoluments and the service qualifying for pension.

(*ii*) Every effort shall be made to complete the verification of service, as in clause (*a*) and to make good omissions, imperfections or deficiencies referred to in sub-clause (*i*) of this clause. Any omissions, imperfections or deficiencies including the portion of service shown as unverified in the service book which it has not been possible to verify in accordance with the procedure laid down in clause (*a*) shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book.

(*iii*) Calculation of average emoluments.—For the purpose of calculation of average emoluments, the Head of Office shall verify from the service book the correctness of the emoluments drawn or to be drawn during the last ten months of service. In order to ensure that the emoluments during the last ten months of service, have been correctly shown in the service book the Head of Office may verify the correctness of emoluments for the period of twenty-four months only preceding the date of retirement of a Government servant, and not for any period prior to that date.

(*c*) *Third Stage.*—Obtaining Form 5 by the Head of Office.—Eight months prior to the date of retirement of the Government servant, the Head of Office shall obtain Form 5 from the Government servant, duly completed.

(2) Action under clauses (*a*), (*b*) and (*c*) of sub-rule (1) shall be completed eight months prior to the date of retirement of the Government servant.

60. Completion of pension papers

The Head of Office shall complete Part I of Form 7 [1][not later than six months of the date of retirement] of the Government servant.

1. The expression "not later than six months of the date of retirement" should be interpreted to mean "not later than six months before the date of retirement".

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61. Forwarding of pension papers to Accounts Officer

(1) After complying with the requirement of Rules 59 and 60, the Head of Office shall forward to the Accounts Officer Form 5 and Form 7 duly completed with a covering letter in Form 8 along with service book of the Government servant duly completed, up-to-date, and any other documents relied upon for the verification of service.

(2) The Head of Office shall retain a copy of each of the Forms referred to in sub-rule (1) for his records.

(3) Where the payment is desired in another circle of accounting unit, the Head of Office shall send Form 7 in duplicate to the Accounts Officer.

(4) The papers referred to in sub-rule (1) shall be forwarded to the Accounts Officer not later than six months before the date of retirement of Government servant.

GOVERNMENT OF INDIA'S DECISIONS

(1) Pension Calculation Sheet to be given to Pensioner.—1. Representations have been received from Pensioners' Associations about reforming the pension payment procedures. One of the suggestions made is that Pension Payment Order should contain a Pension Calculation Sheet detailing therein the period of service rendered, date and rate of last increment with scale of pay, etc.

2. The matter has been examined in consultation with the Comptroller and Auditor-General of India and the Controller-General of Accounts and it is felt that there is need for the pensioner to be supplied with details leading to the computation of pension. With this end in view it is proposed that the Head of Office preparing the pension case of a Central Government employee should prepare in triplicate a certified calculation sheet, as in the pro forma attached (*see* under Form 7), certify the sheet at the bottom and pass it on to the concerned PAO/Accounts Officer along with the pension case, who will prepare an additional (fourth copy) as his office copy.

3. The PAO/Accounts Officer, while issuing the pensionary authorisation, countersign the calculation sheet as certified by the Head of Office, retain one copy (out of the three received by him from the Head of Office) and forward one copy as countersigned by him to the pensioner, along with the intimation of his having sent the pension payment authority/PPO to the AG/PAO, etc. The third copy of the certified calculation sheet as countersigned by the PAO/Accounts Officer, will be passed on by the PAO/AO to the Principal Accounts Officer of the Ministry/Department concerned, and the latter would record those calculation sheets as certified by the Head of Office and countersigned by the PAO/AO, in a guard file with a proper index.

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4. Formal amendments to the CCS (Pension) Rules, 1972, will be issued separately.

[G.I., Dept. of Pension and Pensioners' Welfare, O.M. No. 38/19/85-PU, dated the 2nd September, 1985 and corrigendum, dated the 7th February, 1986.]

(2) Revised format of Pension Calculation Sheet.—1. According to Decision (1) above after the Pension Payment Order has been finalised, a certified copy of the pension calculation sheet duly signed by Head of Office and countersigned by the PAO/Accounts Officer is required to be supplied to the pensioner.

2. Subsequent to the issue of the above-mentioned instructions, the format of the Pension Payment Order has since been revised. The revised format contains all relevant details relating to qualifying service, emoluments reckoned for pension, gratuity, family pension, etc. Normally, therefore, pensioners should be capable of verifying the correctness of the amount of pension, gratuity and family pension from the pension payment order itself. However, representations have been received from individual pensioners as well as from various pensioners' associations that the detailed calculation sheets should also continue to be supplied to the pensioners.

3. The matter has been carefully considered and it has been decided that pensioners should continue to be supplied a detailed calculation sheet to satisfy themselves about the correctness of the calculations. The format of the calculation sheet has been modified. A copy of the revised calculation sheet is enclosed. (*See* in Form 7).

4. The PAO/Accounts Officer, while issuing the pensionary authorisation, countersign the calculation sheet as certified by the Head of Office, retain one copy (out of the three received by him from the Head of Office) and forward one copy as countersigned by him to the pensioner, along with the intimation of his having sent the pension payment authority/ PPO to the AO/PAO, etc. The third copy of the certified calculation sheet as countersigned by the PAO/Accounts Officer will be passed on by the PAO/AO to the Principal Accounts Officer of the Ministry/Department concerned, and the latter would record these calculation sheets as certified by the Head of Office and countersigned by the PAO/AO, in a guard file with a paper index.

5. Ministry of Agriculture, etc., are requested kindly to furnish the calculation sheet in the revised format to all pensioners simultaneously with the issue of the pension payment order by the respective Pay and Accounts Officers.

[G.I., Dept. of P. & P.W., O.M. No. 38/24/91-P. & P.W. (F), dated the 22nd November, 1991.]

62. Intimation to Accounts Officer regarding any event having bearing on pension

If, after the pension papers have been forwarded to the Accounts Officer within the period specified in sub-rule (4) of Rule 61, any event occurs

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which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Accounts Officer by the Head of Office.

63. Intimation of the particulars of Government dues to the Accounts Officer

(1) The Head of Office after ascertaining and assessing the Government dues as in Rule 71, shall furnish the particulars thereof to the Accounts Officer at least two months before the date of retirement of a Government servant so that the dues are recovered out of the gratuity before its payment is authorised.

(2) If, after the particulars of Government dues have been intimated to the Accounts Officer under sub rule (1), any additional Government dues come to the notice of the Head of Office, such dues shall be promptly reported to the Accounts Officer.

64. Provisional pension

(1) The various stages of action laid down in Rule 59 shall be strictly followed by the Head of Office. There may be an isolated case where, in spite of following the procedure laid down in Rule 59, it may not be possible for the Head of Office to forward the pension papers referred to in Rule 61 to the Accounts Officer within the period prescribed in sub-rule (4) of that rule or where the pension papers have been forwarded to the Accounts Officer within the prescribed period but the Accounts Officer may have returned the pension papers to the Head of Office for eliciting further information before issue of pension payment order and order for the payment of gratuity. If the Head of Office in such a case is of the opinion that the Government servant is likely to retire before his pension and gratuity or both can be finally assessed and settled in accordance with the provisions of these rules, he shall without delay, take steps to determine the qualifying years of service and the emoluments qualifying for pension after the most careful summary investigations that may be made. For this purpose, he shall—

(*i*) rely upon such information as may be available in the official records, and

(*ii*) ask the retiring Government servant to file a written statement on plain paper stating the total length of qualifying service including details of emoluments drawn during the last ten months of service but excluding the breaks and other non-qualifying periods of service.

(2) The Government servant while furnishing the statement as in clause (*ii*) of sub-rule (1) shall, at the foot of the statement make and subscribe to a declaration as to the truth of the statement.

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(3) The Head of Office shall thereafter determine the qualifying years of service and the emoluments qualifying for pension in accordance with the information available in the official records and the information obtained from the retiring Government servant under sub-rule (1). He shall, then determine the amount of provisional pension and the amount of provisional [1][retirement gratuity.]

(4) After the amount of pension and gratuity have been determined under sub-rule (3), the Head of Office shall take further action as follows:—

(*a*) He shall issue a sanction letter addressed to the Government servant endorsing a copy thereof to the Accounts Officer authorising—

(*i*) 100 per cent of pension as determined under sub-rule (3) as provisional pension for a period not exceeding six months to be reckoned from the date of retirement of the Government servant; and

(*ii*) 100 per cent of the gratuity as provisional gratuity as determined under sub-rule (3) withholding ten per cent of gratuity or one thousand rupees, whichever is less.

(*b*) He shall indicate in the sanction letter the amount recoverable from the gratuity under sub-rule (1) of Rule 63. After issue of the sanction letter he shall draw—

(*i*) the amount of provisional pension; and

(*ii*) the amount of provisional gratuity after deducting therefrom the amount mentioned in sub-clause (*ii*) of clause (*a*) and the dues, if any, mentioned in Rule 71,

in the same manner as pay and allowances of the establishment are drawn by him.

(5) The amount of provisional pension and gratuity payable under sub-rule (4) shall, if necessary, be revised on the completion of the detailed scrutiny of the records.

[2](6) (*a*) The payment of provisional pension shall not continue beyond the period of six months from the date of retirement of the Government servant. If the amount of final pension and the amount of final gratuity had been determined by the Head of Office in consultation with the Accounts Officer before the expiry of the said period of six months, the Accounts Officer shall—

(*i*) issue the pension payment order,

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published in the Gazette of India as S.O. No. 2388, dated the 6th August, 1988.

2. Substituted by G.I., Dept. of P. & A.R., Notification No. 30/11/80-Pension Unit, dated the 22nd October, 1981.

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(*ii*) **direct the Head of Office to draw and disburse the difference between the final amount of gratuity and the amount of provisional gratuity paid under sub-clause (*ii*) of clause (*b*) of sub-rule (4) after adjusting the Government dues, if any, which may have come to notice after the payment of provisional gratuity.**

(*b*) **If the amount of provisional pension disbursed to a Government servant under sub-rule (4) is, on its final assessment, found to be in excess of the final pension assessed by the Accounts Officer, it shall be open to the Accounts Officer to adjust the excess amount of pension out of gratuity withheld under sub-clause (*ii*) of clause (*a*) of sub-rule (4) or recover the excess amount of pension in instalments by making short payments of the pension payable in future.**

(*c*) (*i*) **If the amount of provisional gratuity disbursed by the Head of Office under sub-rule (4) is larger than the amount finally assessed, the retired Government servant shall not be required to refund the excess amount actually disbursed to him.**

(*ii*) **The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount finally assessed are minimised and the officials responsible for the excess payment shall be accountable for the overpayment.**

[1](7) **If the final amount of pension and gratuity have not been determined by the Head of Office in consultation with the Accounts Officer within a period of six months referred to in clause (*a*) of sub-rule (6), the Accounts Officer shall treat the provisional pension and gratuity as final and issue pension payment order immediately on the expiry of the period of six months.**

[2](8) **As soon as the pension payment order has been issued by the Accounts Officer under clause (*a*) of sub-rule (6) or sub-rule (7), the Head of Office shall take steps to refund the amount of withheld gratuity under sub-clause (*ii*) of clause (*a*) of sub-rule (4) to the retired Government servant after adjusting Government dues which may have come to notice after the payment of provisional gratuity under sub-clause (*ii*) of clause (*b*) of sub-rule (4). If the Government servant was an allottee of Government accommodation, the withheld amount should be refunded on receipt of 'No Demand Certificate' from the Directorate of Estates.**

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1. Substituted
2. Inserted

} by G.I., Dept. of Per. & A.R., Notification No. 30/11/80-Pension Unit, dated the 22nd October, 1981.

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GOVERNMENT OF INDIA'S DECISIONS

(1) Issue of Last Pay Certificate.—The issue of a Last Pay Certificate should not be insisted upon before the payment of provisional pension. During the period of six months after retirement which has been provided for various purposes above, it should be possible for the Head of Office or other office concerned to issue the Last Pay Certificate to a Government servant. In cases in which the Last Pay Certificate has not been issued by the time the formal Pension/Gratuity Payment Orders are received (whether this happens prior to the retirement of the Government servant or after his retirement and after the grant of a provisional pension), the Gratuity Payment Order will in any case include a provision for withholding 10% of the gratuity or Rs. 1,000, whichever is less, pending the production of the Last Pay Certificate.

[G.I., M.F., O.M. No. F. 11 (3)-E. V (A)/76, dated the 28th February, 1976-Paragraph 9.]

(2) Adjustment of dues other than pertaining to Government accommodation.—In respect of other Government dues steps should be taken to ascertain or assess the outstanding dues when the processing of pension papers is taken up two years prior to the retirement date. As the next stage of the actual preparation of pension papers is reached only after a year and four months, there is ample time for ascertaining all kinds of Government dues. Once that stage is reached, i.e., eight months before the retirement of the Government servant, any further probing of records for recoveries due shall cover only a limited period, i.e., not more than two years before the date of retirement. It should thus be quite possible for the Head of Office, or the Office which is to issue the Pension Payment Order, as the case may be, to ascertain or assess all the dues particularly those pertaining to long-term advances such as house-building or conveyance advances, over-payment of pay and allowances, and such other dues, prior to the prescribed deadline for the issue of the Pension payment/Gratuity payment orders or the Provisional pension/Gratuity order. The pension papers should clearly indicate the total amount of outstanding dues which should be recovered out of the retirement gratuity before authority for the payment of gratuity (whether final or provisional) is issued; and if, after the pension papers have been transmitted to the office responsible for issuing the Pension Payment Order, additional recoveries to be made from the gratuity come to notice, the fact shall be promptly reported to that office. In a case where no major recoveries are due, but 10% of the gratuity or Rs. 1,000 has been withheld because there might be unassessed Government dues, or because the gratuity has been provisionally paid or because Last Pay Certificate has not been received, the withheld amount shall automatically become payable on the expiry of the six months after retirement. The Head of Office (or the office issuing the pension and gratuity payment orders) shall indicate in the orders granting a provisional gratuity (or the final Gratuity Payment Order) itself the amount of gratuity withheld and add further that the withheld amount shall be released by the officer disbursing the pension without further

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instructions on the expiry of the period of six months from the date of retirement, unless instructions for the recovery of a specified sum or sums from the withheld amount are issued within the aforesaid period.

[G.I., M.F., O.M. No. F. 11 (3)-E. V (A)/76, dated the 28th February, 1976, paragraph 10 (*f*).]

(3) Provisional pension to be paid by Head of Office in the absence of intimation from Accounts Officer.—1. The CCS (Pension) Rules, 1972 and the corresponding rules applicable to All India Services Officers, Armed Forces personnel and Railway employees provide for advance action to be taken by the Heads of Offices and the Audit/Accounts Officers to ensure that the amount of pension and gratuity due to a retired Government employee is assessed well in time and the Pension Payment Order issued not later than one month in advance of the date of retirement. In cases where pension and gratuity cannot be settled as contemplated above, the Rules provide for the payment of provisional pension and provisional gratuity [e.g., Rule 64 of the CCS (Pension) Rules, 1972]. If the Head of Office is of the opinion that the Government servant is likely to retire before his pension or gratuity or both can be finally assessed and settled in accordance with the relevant rules, he shall take expeditious steps to sanction up to 100% of pension as provisional pension and up to 100% of gratuity as provisional gratuity, in accordance with the rules.

2. Representations have been made to the Ministry of Personnel, Public Grievances and Pension that provisional pension and provisional gratuity are not being sanctioned by the Heads of Offices as provided for in the rules. This is causing a great deal of avoidable hardship to retiring employees.

3. Government have taken a serious view of these complaints that the provisions of the statutory rules are not being observed. Heads of Offices are advised to ensure that there is no occasion for complaints in future from the retiring employees and to follow the prescribed procedure in letter and spirit. Accountability in this regard will rest with the Head of the Office concerned.

4. If any Central Government employee, on retirement, is not sanctioned provisional pension and provisional gratuity, pending a final determination of his/her pension and issue of the Pension Payment Order, he/she may send a complaint to the Department of Pension and Pensioners' Welfare for taking immediate action. The Government would like to ensure that retiring employees should on their retirement normally receive the final sanction of pensionary benefits. If delay in issuing a final Pension Payment Order is unavoidable, at least the benefits of provisional pension and provisional gratuity should be allowed as prescribed in the rules.

5. These instructions do not apply to cases falling under Rule 9 of the CCS (Pension) Rules, 1972 and corresponding provisions in other rules

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applicable to All India Services Officers, Armed Forces Personnel and Railway employees, etc.

[G.I., Dept. of P. & P.W., O.M. No. 38/9/87-P. & P.W., dated the 23rd January, 1987.]

(4) Applicability of Rule 64.—The Department of Pension and Pensioners' Welfare who have been consulted have clarified as under:—

"From a reading of the Rule 64 with Rules 58 and 59 of the CCS (Pension) Rules, 1972, it is clear that Rule 64 only deals with the cases of superannuation pension. Therefore, pension cases of voluntary retirement (Rule 48), invalid retirement (Rule 38) and compulsory retirement (Rule 40) are not covered by Rule 64 of the Pension Rules."

[Dept. of Posts, Letter No. 4-32/88-PEN, dated the 16th November, 1988.]

65. Authorisation of pension and gratuity by the Accounts Officer

(1) (*a*) On receipt of pension papers referred to in Rule 61 the Accounts Officer shall apply the requisite checks, record the account enfacement in Part II of Form 7 and assess the amount of pension and gratuity and issue the pension payment order not later than one month in advance of the date of the retirement of the Government servant if the pension is payable in his circle of accounting unit.

(*b*) If the pension is payable in another circle of accounting unit the Accounts Officer shall send the pension payment order along with a copy of Form 7 and the accounts enfacement to the Accounts Officer of that unit for arranging payment.

(2) The amount of gratuity as determined by the Accounts Officer under clause (*a*) of sub-rule (1) shall be intimated to the Head of Office with the remarks that the amount of the gratuity may be drawn and disbursed by the Head of Office to the retired Government servant after adjusting the Government dues, if any, referred to in Rule 71.

(3) The amount of gratuity withheld under sub-rule (5) of Rule 72 shall be adjusted by the Head of Office against the outstanding licence fee intimated by the Directorate of Estates and the balance, if any, refunded to the retired Government servant.

GOVERNMENT OF INDIA'S DECISIONS

(1) Payment of Retirement benefits through demand draft to outstation payees.—Doubts have been expressed in certain quarters as to whether payments of retirement benefits can be arranged to retired Government servants by bank drafts, wherever necessary or only by cheques.

Attention in this connection is invited to clause (*d*) of para. 1.12.1 of Civil Accounts Manual according to which payment by bank drafts to outstation payees by Pay and Accounts Offices is permissible in cases,

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inter alia, of individuals. The term 'individuals' will cover cases of payment of retirement benefits to retirees, which are to be routed through the DDO (i.e., payments other than those of monthly pension).

The Pay and Accounts Offices can, therefore, arrange payment of retirement benefits (other than payments of monthly pension) to retired Government servants where the concerned DDOs are situated at a station different from the one where the concerned Pay and Accounts Office is located and also to such other retired employees who stay after retirement at a station other than that of their DDO/PAO.

[G.I., M.F., O.M. No. G. 19011/2/83/MF/CGA/CTR/1206, dated the 6th February, 1985.]

(2) Retirement benefits up to Rs. 10,000 can be paid through uncrossed cheque/demand draft.—According to paragraph 2 of O.M. No. G. 19011/1/77-MF/CGA/5035, dated the 29th March, 1979 (*not printed*), payment of Retirement/Death Gratuity, withheld amount of Retirement/Death Gratuity will be made by cheque/demand draft to be drawn in favour of the pensioner. Such cheques/demand drafts being usually in excess of Rs. 250 are requested to be crossed and marked "Account Payee" in accordance with para. 1.8.1 of the Civil Accounts Manual.

It has been represented that most of the staff of industrial organisations like Government of India Mints, etc., are not having bank accounts. They consequently face difficulty in encashing the crossed cheque/demand draft. Keeping in view the hardship being faced by staff having no bank accounts, it has been decided that in cases where a retiring employee makes a specific request in writing for not crossing the cheque/demand draft in the above form, the amount of retirement gratuity/withheld amount of retirement gratuity, which does not exceed Rs. 10,000 may be paid by an "Open cheque" instead of by crossed and marked "Account Payee" cheque/draft, subject to the condition that the payment will be made only to the payee on identification, or to a person holding letter of authority from the payee whose signatures must be verified and after identifying the messenger as laid down in para. 1.8.1 of the Civil Accounts Manual.

In the case of death of a Government servant while in service or after retirement, but before receiving amount of retirement/death gratuity, the payment thereof, to the legal heir(s) will, however, invariably be made by crossed cheque/demand draft marked "Account payee" drawn in favour of the payee(s).

[G.I., M.F., O.M. No. G. 19011/1/77/MF/CGA/709, dated the 24th September, 1982.]

(3) Commuted value of pension may be authorised to be disbursed through the Head of Office.—*See* Decision below Rule 15, Appendix 1.

66. Payment of provisional pension and gratuity through money order

If the provisional pension or gratuity or both sanctioned under sub-rule (4) of Rule 64, is desired to be paid by the pensioner through money

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order or bank draft, the same shall be remitted to him through money order or bank draft at his cost:

Provided that in the case of any pensioner who has been authorised payment of provisional pension [1][not exceeding five hundred rupees per mensem exclusive of the amount of relief on pension] that amount shall, at the request of the pensioner, be remitted to him by money order at Government expense.

67. Government servants on deputation

(1) In the case of Government servant who retires while on deputation to another Central Government Department, action to authorise pension and gratuity in accordance with the provisions of this Chapter shall be taken by the Head of Office of the borrowing Department.

(2) In the case of a Government servant who retires from service, while on deputation to a State Government or while on foreign service, action to authorise pension and gratuity in accordance with the provisions of this Chapter shall be taken by the Head of Office or the Cadre authority which sanctioned deputation to the State Government or to foreign service.

GOVERNMENT OF INDIA'S DECISIONS

(1) Acceptance of evidence regarding payment of pension contribution.—(*a*) There are some cases in which, in accordance with the terms of deputation/'foreign service', it is the responsibility and liability of the Government servant himself to maintain the continuity of pensionable service by the payment of pension contributions. In such cases, it will be necessary to ascertain whether the recoveries have been made, before the period of foreign service is reckoned as qualifying service. However, the Government servant is sometimes put to considerable difficulty because of defective or incomplete record maintenance by the administrative/ accounts offices. In such cases, while he could be reasonably asked to show that he had indeed made the contributions, the administrative authority should show a spirit of reasonableness and accommodation in evaluating and accepting such evidence as he is able to put forward, and not insist rigidly on formal proof with reference to service or accounts records for the maintenance of which the Government servant is not responsible.

(*b*) Where, however, the responsibility for making pension contributions is that of the borrowing organisation and where either some of the contributions have not been recovered or the records in respect of the recoveries of such contributions are incomplete, while the authorities concerned should pursue the matter with the borrowing organisation separately for appropriate action, this should have no bearing on the processing and finalisation of pension papers.

[G.I., M.F., O.M. No. F. 11 (3)-E. V (A)/76, dated the 28th February, 1979—paragraph 5.]

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/38/87-P. & P.W. (PIC), dated the 20th July, 1988, published in the Gazette of India as S.O. No. 2258, dated the 6th August, 1988.

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(2) Officer-in-charge, P & T Admn. Cell, Kamptee, Head of Office for settlement of pensionary benefits of non-gazetted personnel of the DoT on deputation.—1. As per provision of Rule 67 (1) of CCS (Pension) Rules, it has been decided that Officer-in-charge, P & T Admn. Cell, Kamptee, be designated as "Head of Office" in respect of those non-gazetted personnel of the Department of Telecommunications who wish to retire simultaneously on the discharge from the Army Postal Service after obtaining the approval from the competent authority of the Department of Telecommunications in terms of Rule 48 of Central Civil Services (Pension) Rules, 1972, for processing their pensionary benefits.

2. However, concurrence of the Competent Authority of the Department of Telecommunications will be required in each case to accept the notice for voluntary retirement.

[G.I., Dept. of Telecom, O.M. No. 36-16/89-NB/T, dated the 5th September, 1989.]

68. Interest on delayed payment of gratuity

[1][**(1) If the payment of gratuity has been authorised later than the date when its payment becomes due, and it is clearly established that the delay in payment was attributable to administrative lapses, interest shall be paid at such rate as may be prescribed and in accordance with the instructions issued from time to time:**

Provided that the delay in payment was not caused on account of failure on the part of the Government servant to comply with the procedure laid down by the Government for processing his pension papers.]

[2]**(2) Every case of delayed payment of gratuity shall be considered by the Secretary of the Administrative Ministry or the Department in respect of its employees and the employees of its attached and subordinate offices and where the Secretary of the Ministry or the Department is satisfied that the delay in the payment of gratuity was caused on account of administrative lapse, the Secretary of the Ministry or the Department shall sanction payment of interest.**

[2]**(3) The Administrative Ministry or the Department shall issue Presidential sanction for the payment of interest after the Secretary has sanctioned the payment of interest under sub-rule (2).**

[2]**(4) In all cases where the payment of interest has been sanctioned by the Secretary of the Administrative Ministry or the Department, such Ministry or the Department shall fix the responsibility and take disciplinary action against the Government servant or servants who are found responsible for the delay in the payment of gratuity.**

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 7/10/89-P. & P.W., (F), dated the 28th November, 1991, published as G.S.R. 677 in the Gazette of India, dated the 7th December, 1991 and takes effect from that date.

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 7 (13)/85-P. & P.W., dated the 12th March, 1986 and published in Gazette of India, dated the 29th March, 1986.

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[1](5) *Deleted.*

GOVERNMENT OF INDIA'S DECISIONS

(1) Admissibility of interest on gratuity allowed after conclusion of judicial/departmental proceedings.—1. Under the rules, gratuity becomes due immediately on retirement. In case of a Government servant dying in service, a detailed time-table for finalising pension and death gratuity has been laid down, *vide* Rule 77 onwards.

2. Where disciplinary or judicial proceedings against a Government servant are pending on the date of his retirement, no gratuity is paid until the conclusion of the proceedings and the issue of the final orders thereon. The gratuity if allowed to be drawn by the competent authority on the conclusion of the proceedings will be deemed to have fallen due on the date of issue of orders by the competent authority.

3. In order to mitigate the hardship to the Government servants who, on the conclusion of the proceedings are fully exonerated, it has been decided that the interest on delayed payment of retirement gratuity may also be allowed in their cases, in accordance with the aforesaid instructions. In other words, in such cases, the gratuity will be deemed to have fallen due on the date following the date of retirement for the purpose of payment of interest on delayed payment of gratuity. The benefit of these instructions will, however, not be available to such of the Government servants who die during the pendency of judicial/disciplinary proceedings against them and against whom proceedings are consequently dropped.

4. These orders (paragraph 3) shall take effect from the 10th January, 1983.

[G.I., Dept. of Per. & A.R., O.M. No. F. 7 (1)-P.U./79, dated the 11th July, 1979 and No. 1 (4)/Pen. Unit/82, dated the 10th January, 1983.]

(2) Interest rate for delayed payment of retirement/death gratuity.—1. It has been decided that where the payment of retirement/death gratuity has been delayed, the rate of interest will be as follows:—

(*i*) beyond 3 months and up to one year ... 7% per annum

(*ii*) beyond one year ... ... 10% per annum

2. As already provided the Administrative Ministries are requested to ensure that in all cases where interest has to be paid, action should be taken to fix responsibility for the delay and disciplinary action should be taken against the officer responsible for it.

3. These orders take effect from the date of issue.

4. The cases of those Government servants who retired/died while in service before the date of issue of this OM would also be covered if

1. Deleted by G.I., Dept. of P. & P.W., Notification No. 7/10/89-P. & P.W. (F), dated the 28th November, 1991, published as G.S.R. 677 in the Gazette of India, dated the 7th December, 1991 and takes effect from that date.

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retirement/death gratuity has not been paid as on this date and there has been delay in its payment beyond three months of the date of their retirement/death for which interest is payable in accordance with the existing orders. In such cases the interest would be worked out at the rate of 5 per cent per annum for the period beyond three months up to the date preceding the date of issue of this OM and thereafter at the rates indicated above.

[G.I., Dept. of Per. & A.R., O.M. No. 7/3/84-Pension Unit, dated the 28th July, 1984.]

(3) Guidelines for determining delay in payment of gratuity in cases other than superannuation and payment of interest therefor.—Payment of interest on delayed payment of gratuity is, at present, regulated under Rule 68 of the CCS (Pension) Rules, 1972.

2. Certain administrative authorities have drawn attention to the fact that in cases of retirement on superannuation the work of assessment of the demands outstanding against them commences two years in advance whereas in other cases of retirement assessment of Government dues, etc., can begin only after the retirement has been approved by Government and have raised a doubt whether the provisions of Rule 68 are also applicable to those who retired otherwise on superannuation and if so whether the time-limit of three months is to be observed in such cases. The position has been reviewed in consultation with the Ministry of Finance. It has been decided that if the payment of gratuity has been delayed due to administrative lapses for no fault of the retiring employee in cases of retirement other than superannuation, the payment of interest may be regulated in the following manner:—

(*i*) ***In case of Government servants against whom disciplinary/judicial proceedings are pending on the date of retirement and in which gratuity is withheld till the conclusion of the proceedings*:—**

(*a*) In such cases if the Government servant is exonerated of all charges and where the gratuity is paid on the conclusion of such proceedings, the payment of gratuity will be deemed to have fallen due on the date following the date of retirement *vide* O.M. No. 1 (4)/Pen. Unit/82, dated the 10th January, 1983 [Para. 3 of Decision (1) above]. If the payment of gratuity has been authorised after three months from the date of his retirement interest may be allowed beyond the period of three months from the date of retirement.

(*b*) In cases where the disciplinary/judicial proceedings are dropped on account of the death of the Government servant during the pendency of disciplinary/judicial proceedings, the payment of gratuity will be deemed to have fallen due on the date following the date of death and if the payment of gratuity has been delayed interest may be allowed for the period of delay beyond three months from the date of death.

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(*c*) In cases where the Government servant is not fully exonerated on the conclusion of disciplinary/judicial proceedings and where the competent authority decides to allow payment of gratuity, in such cases, the payment of gratuity will be deemed to have fallen due on the date of issue of orders by the competent authority for payment of gratuity *vide* O.M. No. 7 (1) PU/79, dated 11-7-1979 [Para. 2 of Decision (1) above]. If the payment of gratuity is delayed in such cases interest will be payable for the period of delay beyond three months from the date of issue of the above-mentioned orders by the competent authority.

(*ii*) ***On retirement other than on superannuation***

Such cases of retirement will be either under clause (*j*) or clause (*k*) of FR 56 or Rules 38, 39, 40, 48 or 48-A of the CCS (Pension) Rules, 1972. In such cases the pension sanctioning authority does not get adequate time for processing pension papers, as is available to it in the case of retirement on superannuation. Instructions have already been issued from time to time that the work relating to verification of service should be done on year to year basis and should not be kept in arrears. Provisions also exist that on completion of 25 years qualifying service or on one being left with five years service before the date of retirement, whichever is earlier, the Head of Office should verify the service rendered by such Government servant and communicate to him the period of qualifying service as determined *vide* Rule 32 of the CCS (Pension) Rules, 1972. It is, therefore, expected that even in cases of retirement other than on superannuation it should not take unduly long time for all Heads of Offices to prepare pension papers of retiring employees. It has, therefore, been decided that where the payment of gratuity in such cases is delayed beyond six months from the date of retirement, interest should be paid for the period of delay beyond six months from the date of retirement.

(*iii*) ***On death of the Government servant while in service***

Such cases may be considered on the same lines as mentioned in clause (*ii*) above. Detailed procedure for processing the payment of death gratuity is explained in Rules 77 to 80 of the CCS (Pension) Rules, 1972. It is felt that in these cases also it should be possible for the respective offices to process the payment of death gratuity within a reasonable time. It has, therefore, been decided that where the payment of death gratuity is delayed beyond six months from the date of death, interest should be paid for the period of delay beyond six months from the date of death. If in any case the payment of death gratuity is held up on account of more than one claimant staking his/her claim to the same, such cases will not automatically qualify for payment of interest in terms of these orders. These will be examined separately in consultation with this Department on the merits of each.

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(*iv*) ***Cases where the amount of gratuity already paid is enhanced on account of revision of emoluments or liberalisation in the provisions relating to gratuity from a date prior to the date of retirement of the Government servant concerned***

At present, no interest is paid in such cases. Representations have been received that the payment of difference in gratuity in such cases is unduly delayed. It is expected that once the orders relating to revision of emoluments reckoning for gratuity or liberalisation of rules relating to entitlement of gratuity is issued, the difference in gratuity should be paid within a reasonable time. Taking into account all aspects, it has now been decided that if the payment on account of arrears of gratuity is delayed beyond a period of three months from the date of issue of the orders revising the emoluments or liberalisation in the rules, interest may be allowed for the delay beyond the period of three months of the date of issue of the said orders.

(*v*) ***In cases of permanent absorption in PSU/autonomous bodies otherwise than on en masse transfer on conversion of Government department or a part thereof into PSU/autonomous body***

Payment of interest on delayed payment of gratuity in these cases may also be decided in the same manner as prescribed in clause (*ii*) above. If the payment of gratuity has been delayed beyond six months from the date of permanent absorption the interest may be allowed for the period of delay beyond six months.

3. As far as retirement on superannuation is concerned, the existing procedure for grant of interest if the payment of gratuity is delayed due to administrative reasons/lapses for no fault of the retiring employee will continue to be applicable. In other words, interest will be allowed for the period of delay beyond three months from the date of retirement.

4. It has also been observed that there is a general impression among the administrative authorities that interest is to be paid only after disciplinary action being taken against the defaulting staff found responsible for the delay in payment of gratuity is concluded. It is hereby clarified that this impression is not correct. In all cases in which it is established that the delay in payment of gratuity was attributable to administrative lapses and for no fault of the retiring employee concerned, the interest should be paid without waiting for the outcome of the disciplinary proceedings against the defaulting staff. The disciplinary cases should be proceeded with separately. This may kindly be borne in mind while regulating cases under paragraphs 2 and 3 above. Wherever interest becomes payable in terms of these orders, the same shall be allowed up to the end of the month preceding the month in which gratuity/arrears of gratuity is paid.

5. These orders shall take effect from the date of issue of this OM. The cases of those Government servants who retired/died while in service before this date would also be covered if gratuity has not been paid as on the date of issue of this Office Memorandum and there has been delay

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in its payment beyond three months/six months, as the case may be, of the date of their retirement/death but the interest would be payable in such cases only from the date of the issue of this OM, or three months/six months, as the case may be, from the date of retirement/death, whichever date is later. Past cases of retirement otherwise than on superannuation and on death already settled before the issue of this OM, however, need not be reopened.

[G.I., Dept. of P. & P.W., O.M. No. 7/20/89/P. & P.W. (F), dated the 22nd January, 1991.]

69. Provisional pension where departmental or judicial proceedings may be pending

(1) (*a*) In respect of a Government servant referred to in sub-rule (4) of Rule 9, the Accounts Officer shall authorise the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Government servant, or if he was under suspension on the date of retirement up to the date immediately preceding the date on which he was placed under suspension.

(*b*) The provisional pension shall be authorised by the Accounts Officer during the period commencing from the date of retirement up to and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.

(*c*) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon:

[1]Provided that where departmental proceedings have been instituted under Rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, for imposing any of the penalties specified in clauses (*i*), (*ii*) and (*iv*) of Rule 11 of the said rules, the payment of gratuity shall be authorised to be paid to the Government servant.

(2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

GOVERNMENT OF INDIA'S DECISION

Grant of cent per cent provisional pension under Rule 69 mandatory even if departmental or judicial proceedings are continued.—It has come to the notice of Finance Ministry that some of the administrative authorities

1. Inserted by G.I., Dept. of Per. & A.R., Notification No. 30/2/80-Pension Unit, dated the 13th February, 1981.

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are not following Rule 69 of the CCS (Pension) Rules, 1972, which provide that Government servant who has retired and against whom any departmental or judicial proceedings are instituted or are continued, shall be paid provisional pension. The payment of provisional pension under these rules is mandatory. But some administrative authorities appear to be under the impression that in cases where the departmental proceedings instituted against a Government servant were for a major penalty and in which ultimately no pension might become payable on the conclusion of the proceedings after his retirement under Rule 9 of the CCS (Pension) Rules, 1972, even the provisional pension need not to be sanctioned. This view is against the letter and spirit of the rule. The Ministry of Home Affairs, etc., are, therefore, requested to bring to the notice of administrative authorities under them the correct position under the rules so that the provisional pension under Rule 69 ibid is not denied to the retired Government servants.

[G.I., M.F., O.M. No. 11 (6)-E. V (A)/73, dated the 22nd July, 1974.]

70. Revision of pension after authorisation

(1) Subject to the provisions of Rules 8 and 9 pension once authorised after final assessment shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of a clerical error subsequently:

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the Head of Office without the concurrence of the Department of Personnel and Administrative Reforms if the clerical error is detected after a period of two years from the date of authorisation of pension.

(2) For the purpose of sub-rule (1), the retired Government servant concerned shall be served with a notice by the Head of Office requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him.

(3) In case the Government servant fails to comply with the notice, the Head of Office shall, by order in writing, direct that such excess payment, shall be adjusted in instalments by short payments of pension in future, in one or more instalments, as the Head of Office may direct.

71. Recovery and adjustment of Government dues

(1) It shall be the duty of the Head of Office to ascertain and assess Government dues payable by a Government servant due for retirement.

(2) The Government dues as ascertained and assessed by the Head of Office which remain outstanding till the date of retirement of the Government servant, shall be adjusted against the amount of the [1][retirement gratuity] becoming payable.

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

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(3) The expression '*Government dues*' includes—

(*a*) dues pertaining to Government accommodation including arrears of licence fee, if any;

(*b*) dues other than those pertaining to Government accommodation, namely, balance of house building or conveyance or any other advance, overpayment of pay and allowances or leave salary and arrears of income tax deductible at source under the Income Tax Act, 1961 (43 of 1961).

72. Adjustment and recovery of dues pertaining to Government accommodation

(1) The Directorate of Estates on receipt of intimation from the Head of Office under sub-rule (1) of Rule 57 regarding the issue of No Demand Certificate shall scrutinise its records and inform the Head of Office eight months before the date of retirement of the allottee, if any licence fee was recoverable from him in respect of the period prior to eight months of his retirement. If no intimation in regard to recovery of outstanding licence fee is received by the Head of Office by the stipulated date, it shall be presumed that no licence fee was recoverable from the allottee in respect of the period preceding eight months of his retirement.

(2) The Head of Office shall ensure that licence fee for the next eight months, that is up to the date of retirement of the allottee, is recovered every month from the pay and allowances of the allottee.

(3) Where the Directorate of Estates intimates the amount of licence fee recoverable in respect of the period mentioned in sub-rule (1), the Head of Office shall ensure that outstanding licence fee is recovered in instalments from the current pay and allowances of the allottee and where the entire amount is not recovered from the pay and allowances, the balance shall be recovered out of the gratuity before its payment is authorised.

(4) The Directorate of Estates shall also inform the Head of Office the amount of licence fee for the retention of Government accommodation for the permissible period of [1][four months] beyond the date of retirement of the allottee. The Head of Office shall adjust the amount of that licence fee from the amount of the gratuity together with the unrecovered licence fee, if any, mentioned in sub-rule (3).

(5) If in any particular case, it is not possible for the Directorate of Estates to determine the outstanding licence fee, that Directorate shall inform the Head of Office that ten per cent of the gratuity or one thousand rupees, whichever is less, may be withheld pending receipt of further information.

(6) The recovery of licence fee for the occupation of the Government accommodation beyond the permissible period of [1][four months] after

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 42 (30)-P. & P.W./89-E, dated the 22nd January, 1991, published as S.O. No. 409 in the Gazette of India, dated the 9th February, 1991.

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the date of retirement of allottee shall be the responsibility of the Directorate of Estates. [1][Any amount becoming due on account of licence fee for retention of Government accommodation beyond four months after retirement and remaining unpaid may be ordered to be recovered by the Directorate of Estates through the concerned Accounts Officer from the dearness relief without the consent of the pensioner. In such cases no dearness relief shall be disbursed until full recovery of such dues have been made.]

NOTE.—For the purpose of this rule, the licence fee shall also include any other charges payable by the allottee for any damage or loss caused by him to the accommodation or its fittings.

GOVERNMENT OF INDIA'S DECISION

(1) Issue of 'No Demand Certificate'.—*See* Government of India's Decisions below Rule 57.

73. Adjustment and recovery of dues other than dues pertaining to Government accommodation

(1) For the dues other than the dues pertaining to occupation of Government accommodation as referred to in clause (*b*) of sub-rule (3) of Rule 71, the Head of Office shall take steps to assess the dues two years before the date on which a Government servant is due to retire on superannuation; or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier.

(2) The assessment of Government dues referred to in sub-rule (1) shall be completed by the Head of office eight months prior to the date of the retirement of the Government servant.

(3) The dues as assessed under sub-rule (2) including those dues which come to notice subsequently and which remain outstanding till the date of retirement of the Government servant, shall be adjusted against the amount of [2][retirement gratuity] becoming payable to the Government servant on his retirement.

GOVERNMENT OF INDIA'S DECISIONS

(1) Dues to Municipality and Co-operative Societies not treated as Government dues.—The arrears of water and electricity are dues of the Municipal Committees, etc., which are local bodies and are, therefore, not Government dues. Similarly Co-operative Societies are not Government organisations and any dues to them cannot be treated as 'dues to

1. Inserted by G.I., Dept. of P. & P.W., Notification No. 42 (30)-P. & P.W./89-E, dated the 22nd January, 1991, published as S.O. No. 409 in the Gazette of India, dated the 9th February, 1991.

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

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Government'. No recovery of such dues can be made from the death-cum-retirement gratuity.

Family pension is like any other pension and recoveries of dues whether Government or non-Government are not permissible from it without obtaining the consent of the pensioner.

[G.I., M.F., U.O. No. 2896-ETA/60, dated the 31st August, 1960, in File No. 10 (14)-E. V/60.]

It has been decided in consultation with the Ministries of Finance and Law, Justice and Company Affairs, New Delhi, that in case the prematurely retired official gives a declaration to his disbursing officer for recovery of outstanding dues of the Co-operative Societies from his DCRG payable to him under the rules, the same may be deducted in cash from the DCRG of the official and remitted to the society.

[D.G., P. & T., Letter No. B-18019/10/75-WL, dated the 12th December, 1975.]

(2) **'Government dues' does not include dues while on deputation.**—The term 'Government dues' referred to covers only the dues payable to the Government and does not include dues while on deputation. In other words, the sum due from the officer to an autonomous organisation is not 'Government dues' and so cannot be recovered out of death-cum-retirement gratuity payable by the Government to the officer, except where the Government servant has given his consent in writing to such a recovery being made from his gratuity, which has become payable to him.

[G.I., M.F., O.M. No. F. 14 (9)-E. V/66, dated the 2nd September, 1967.]

(3) **Write off of dues.**—In some cases an amount due from a person has to be written off on the ground that he/she is no longer in Government service and no recovery is, therefore, possible. In such cases the orders sanctioning write off should invariably contain a clause that any sums which are subsequently found due to the person concerned will be adjusted against the amounts written off.

[G.I., M.F., O.M. No. 18 (9)-E. V-II (A)/59, dated the 25th June, 1959.]

(4) **Procedure, for the refund of excess recovery of licence fee to retired Government servants.**—In order to ensure that the amounts of overpayments written off on the ground of Government servant being no longer in service are set off against any sums which are subsequently found due, it has been decided that the following procedure be adopted in regard to refund of excess recovery, if any, of licence fee to retired Government servants:—

(*i*) ***Non-gazetted Government servants*:**

Refund of amount is normally made only through the office under whom the Government servant concerned served last, and the Head of the Office concerned should ensure that overpayments, if any, already written off are set off against such refunds.

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(*ii*) ***Gazetted Government servants*:**

In the case of refund of excess licence fee recovered from a retired Gazetted Government servant, the Directorate of Estates would obtain a certificate from the Head of the Department/Office under whom he served last to the effect that no claim due from him had been written off on account of his being no more in Government service which could be adjusted against the amount applied for. The Ministry will also maintain appropriate indexed record to this effect.

[G.I., M.F., O.M. No. 18 (9)-E. II (A)/59, dated the 14th May, 1960.]

(5) Whether Government dues written off after retirement can be recovered from pay during subsequent re-employment.—1. A question has been raised whether the expression "any sums which are subsequently found due" occurring in Decision No. (4) above covers only the dues relating to the period when the person concerned was originally in Government service or also covers any dues which may accrue to him as a result of his subsequent re-employment under Government; in other words, whether an amount of overpayment made to a Government servant and written off on the ground that the person concerned is no longer in Government service, can be recovered from him by adjustment of the pay and allowances earned by him in the course of his re-employment under Government. It has been decided that in cases where the amount of overpayment is written off merely because the person concerned is no longer in Government service and not on any other ground, as for example, that its recovery would cause hardship to the individual concerned, the dues which may accrue to him during the period of his re-employment under Government may be adjusted against the amount written off.

2. In the terms of re-employment of a retired Government servant, a condition should invariably be inserted to the effect that any amount of overpayment pertaining to the pre-retirement period including the amount written off on the ground that he was no longer in Government service would be recoverable by adjustment of the pay and allowances admissible to him during the period of re-employment.

3. It will be the duty of the office re-employing a retired Government servant to make an enquiry from the office where he was formerly employed whether any amount is recoverable in terms of paragraph 1 above. Such an enquiry will have to be made immediately after a person is re-employed. The final payment of the re-employed person on the termination of his re-employment should not be made unless the re-employing office has ensured that no amounts are adjustable in terms of paragraph 1 above.

[G.I., M.F., O.M. No. 18 (9)-E. II (A)/59, dated the 21st November, 1960.]

(6) When a pensioner refuses to pay Government dues.—The failure or refusal of a pensioner to pay any amount owed by him to Government cannot be said to be 'misconduct' within the meaning of Article 351 of

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the CSR [Rule 8, CCS (Pension) Rules, 1972]. The possible way of recovering/demanding Government dues from a retiring officer who refuses to agree in writing, to such dues being recovered from his pension is either to delay the final sanction of his pension for some time which will have the desired effect for persuading him to agree to recovery being made therefrom or take recourse to Court of Law.

[G.I., M.F., Letter No. F. 7 (28)-E. V/53, dated the 25th August, 1958.]

(7) Only arrears of licence fee recoverable from pensioner's relief.— The Heads of Offices should ensure that all Government dues recoverable from retiring Government servants should be assessed well before retirement and recovered from the salary/retirement gratuity and that no Government dues other than arrears of Licence Fee can be recovered from Dearness Relief.

[G.I., M.F., C.G.A.'s U.O. No. M-23013/152/1/90/MF-CGA/Pension/Vol. II/286-87, dated the 23rd July, 1992, addressed to the Dept. of P. & P.W.]

74. Date of retirement to be notified

When a Government servant retires from service—

(*a*) a notification in the Official Gazette in the case of a Gazetted Government servant, and

(*b*) an office order in the case of a non-gazetted Government servant shall be issued specifying the date of retirement within a week of such date and a copy of every such notification or office order, as the case may be, shall be forwarded immediately to the Accounts Officer:

Provided that where a notification in the Official Gazette or an office order, as the case may be, regarding the grant of leave preparatory to retirement to a Government servant is issued, a further notification or office order that the Government servant has actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and the retirement is for any reason ante-dated or postponed.

GOVERNMENT OF INDIA'S DECISIONS

(1) Statements required to be maintained for proper monitoring and reporting system.—In simplifying the procedure with a view to eliminate delays in the payment of superannuation pension and retirement gratuity Government have proceeded on the basis that in spite of every effort imperfections may remain in the records and procedures but that it would be unfair to a retiring Government servant if he had to suffer because of the lapses of those responsible for the proper maintenance of service records. The fact that under the new procedures the presumption will be in favour of the Government servant if the records are incomplete or deficient in any manner underlines the importance of ensuring the proper, regular and timely completion of all the service and accounts records by the offices concerned, so as to minimise the occasion for making such

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presumptions. It has, accordingly, been decided that if, in future, service records are found to be incomplete or imperfect at the time of processing and finalising pension cases, those cases will not be delayed but the officials responsible for the maintenance of the records will be held accountable for any deficiencies, failure or omissions therein, and action will be initiated against them. The Heads of Departments will ensure that these directions are complied with.

(2) In order to ensure that the payment of pension should in all cases commence on the first of the month in which they are due, it has been decided that the progress of the pension cases should be watched by the Heads of the Offices and the Heads of the Departments by means of monthly and quarterly statements so that the various cut-off dates laid down are strictly followed. For proper monitoring and reporting system the Heads of Offices shall prepare the following statements. (A specimen each of the Statements is in section FORMS at the end.)

Statement No. 1: This is monthly statement and should cover cases of all Government servants due to retire within the succeeding 8 months and indicate the progress of the pension cases with reference to the various stages and time-limit prescribed, i.e., whether action was initiated two years in advance and whether the pension papers are ready for being sent to the Audit Officer before 6 months of the retirement of the Government servant. The statement should be submitted by the Head of Office to the next higher officer.

Statement No. 2: This is monthly statement having Part I and Part II and the statement should cover the cases of Government servants who became due for retirement in the previous calendar month. Part I and Part II of the statement should be submitted by the Head of Office to the next higher officer. The next higher officer will submit Part II of the statement to the Head of the Department.

Statement No. 3: This is a quarterly statement and should cover the cases of those Government servants in whose cases provisional pension and provisional gratuity was authorised by the Head of Office but the provisional pension and gratuity had to be made final after the expiry of a period of 6 months. The statement is to be submitted to the Head of the Department.

Statement No. 4: This is a quarterly statement and should indicate the particulars of those Government servants where presumptions have been made in favour of retired Government servant because of incomplete/improper maintenance of service records. The names of the persons responsible for improper maintenance of the record of service books and action taken against the Government servant concerned responsible for lapse should also be indicated. The statement is to be submitted to the Head of Department.

Statement No. 5: This is a half-yearly statement to be submitted by the Head of Department to the Secretary of the Ministry concerned.

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Any case, where payment of pension is delayed, has to be viewed seriously. The causes of delay in such a case have to be identified and remedial steps taken so that such delays should not occur in future. This can only be ensured if the Heads of the Departments will personally scrutinize the statements and issue such directions as they may consider necessary where payments of pensions have been delayed. Any deficiency in the procedure should be brought to the notice of this Ministry at the appropriate level so that rules may be amended accordingly.

[G.I., M.F., O.M. No. F. 11 (3)-E. V (A)/76, dated the 28th February, 1976 and the 6th May, 1976 and O.M. No. F. 11 (14)-E. V (A)/76, dated the 30th October, 1976.]

Authors' Note.—*The original Chapter VIII contained Rules Nos.* 56 *to* 76 *(both inclusive). The entire chapter was replaced by Notification, dated the* 19*th May,* 1980 *and the amendment contained Rules from Nos.* 56 *to* 74 *only. Chapter IX which was also completely replaced under the same notification starts from Rule* 77. *Hence there are no rules bearing Nos.* 75 *and* 76.

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[1]CHAPTER IX

Determination and authorisation of the amount of family pension and [2][death gratuity]

in respect of Government servants dying while in service

77. Obtaining of claims for family pension and [2][death gratuity]

(1) Where the Head of Office has received an intimation about the death of a Government servant while in service, he shall ascertain whether any [2][death gratuity] or family pension or both is or are payable in respect of the deceased Government servant.

(2) (*a*) Where the family of the deceased Government servant is eligible for the [2][death gratuity] under Rule 50, the Head of Office shall ascertain—

(*i*) if the deceased Government servant had nominated any person or persons to receive the gratuity; and

(*ii*) if the deceased Government servant had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.

(*b*) The Head of Office shall, then, address the person concerned in Form 10 or Form 11, as may be appropriate, for making a claim in Form 12.

(3) Where the family of the deceased Government servant is eligible under Rule 54 for the Family Pension, 1964—

(*a*) the Head of Office shall address the widow or widower in Form 13 for making a claim in Form 14; and

(*b*) where the deceased Government servant is survived only by a child or children the guardian of such child or children may submit a claim in Form 14 to the Head of Office:

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of a child if the child has attained the age of

1. Substituted by G.I., Dept. of P. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

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eighteen years and such child may himself or herself submit a claim in the said Form.

[1]**(4)** *Deleted.*

(5) If on the date of death, the Government servant was an allottee of Government accommodation, the Head of Office shall address the Directorate of Estates for the issue of "No Demand Certificate" in accordance with the provisions of sub-rule (1) of Rule 80-C.

78. Completion of Form 18

(1) (*a*) The Head of Office while taking action to obtain claim or claims from the family in accordance with the provisions of Rule 77 shall simultaneously undertake the completion of Form 18. The work shall be completed within one month of the date on which intimation, regarding the date of death of the Government servant has been received.

(*b*) The Head of Office shall go through the service book of the deceased Government servant and satisfy himself as to whether certificates of verification of service for the entire service are recorded therein.

(*c*) If there are any periods of unverified service, the Head of Office shall accept the unverified portion of service as verified on the basis of the available entries in the service book. For this purpose the Head of Office may rely on any other relevant material to which he may have ready access. While accepting the unverified portion of service, the Head of Office shall ensure that service was continuous and was not forfeited on account of dismissal, removal or resignation from service, or for participation in strike.

(2) (*a*) For the purpose of determination of emoluments for family pension and [2][death gratuity], the Head of Office shall confine the verification of the correctness of emoluments for a maximum period of one year preceding the date of death of the Government servant.

(*b*) In case the Government servant was on extraordinary leave on the date of death, the correctness of the emoluments for a maximum period of one year which he drew preceding the date of the commencement of the extraordinary leave shall be verified.

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1. Deleted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

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(3) The process of determination of qualifying service and qualifying emoluments shall be completed within one month of the receipt of intimation regarding the date of death of the Government servant and the amount of family pension and [1][death gratuity] shall also be calculated accordingly.

79. Determination of the amount of family pension and gratuity where service records are incomplete

According to the existing instructions, there should not be any case where service book has not been maintained properly. If, in any particular case, the service book has not been maintained properly despite the Government's orders on the subject, and it is not possible for the Head of Office to accept the unverified portion of service as verified on the basis of entries in the service book, the Head of Office shall not proceed with the verification of the entire spell of service. The verification of service in such a case shall be confined to the following spells of service:—

(*a*) For the purpose of Family Pension, 1964—

(*i*) If the deceased Government servant on the date of death had rendered more than one year of service but less than seven years of service, the service and emoluments for the last year of service shall be verified and accepted by the Head of Office and the amount of Family Pension, 1964, determined under sub-rule (2) and sub-rule (2-A) of Rule 54.

(*ii*) If the deceased Government servant on the date of his death had rendered more than seven years of service, the service for the last seven years and emoluments for service rendered in the last year shall be verified and accepted by the Head of Office and the amount of Family Pension, 1964 and the period for which it is payable shall be determined in accordance with the provisions of sub-rule (3) of Rule 54.

(*iii*) If the deceased Government servant at the time of death had rendered more than seven years of service and the service of last seven years is not capable of being verified and accepted by the Head of Office but the service rendered during the last year is capable of being verified and accepted, the Head of Office, pending the verification of service for seven years, shall calculate the amount of family pension in accordance with the provisions of sub-rule (2) and sub-rule (2-A) of Rule 54.

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

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(*iv*) The service for the last seven years shall be verified and accepted within the next two months and the amount of family pension at the enhanced rate and the period for which it is payable shall be determined in accordance with the provisions of sub-rule (3) of Rule 54.

(*v*) The determination of the amount of family pension in accordance with the provisions of sub-clauses (*i*), (*ii*) and (*iii*) shall be done within one month of the receipt of intimation of the date of death of the Government servant.

(*b*) For the purpose of [1][death gratuity]—

[1](*i*) if the deceased Government servant had on the date of his death rendered more than 5 years of qualifying service but less than 20 years of qualifying service, and the spell of last 5 years has been verified and accepted by the Head of Office under clause (*a*), the amount of death gratuity shall be equal to 12 times of his emoluments as indicated in item (*iii*) of the Table below clause (*b*) of sub-rule (1) of Rule 50. Where the verified and accepted service is less than 5 years, the amount of death gratuity shall be the amount as indicated in Item (*i*) or Item (*ii*) in the Table below clause (*b*) of sub-rule (1) of Rule 50, as may be applicable.

(*ii*) If the deceased Government servant had rendered more than [1][twenty years] of service and the entire service is not capable of being verified and accepted, but the service for the last five years has been verified and accepted under sub-clause (*i*), the family of the deceased Government servant shall be allowed, on provisional basis, the [1][death gratuity] equal to 12 times of the emoluments. Final amount of the gratuity shall be determined by the Head of Office on the acceptance and verification of the entire spell of service which shall be done by the Head of Office within a period of six months from the date on which the authority for the payment of provisional gratuity was issued. The balance, if any, becoming payable as a result of determination of the final amount of [1][death gratuity] shall then be authorised to the beneficiaries.

(*c*) For the purpose of Family Pension, 1950—

[2]*Not printed.*

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

2. Not printed since Rule 55 stands deleted.

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GOVERNMENT OF INDIA'S DECISION

(1) Special efforts to be made to get the claims papers quickly.—The above procedure has been laid down in order to facilitate the expeditious issue of the authority for the payment of family pension and death gratuity so that the family of the deceased Government servant is not put to hardship. The Head of Office has to ensure that action to obtain the claim or claims from the beneficiaries, completion of Form 18 and assessment of Government dues is initiated simultaneously. Special efforts have to be made to get the claims in the respective Forms from the family of the deceased Government servant as early as possible. Where the family is residing in the place of duty of Head of Office, the Forms and documents which are required to be completed by the family may, if possible, be obtained personally and for this purpose the services of the Welfare Officer could be utilized. If the family is residing outside the place of duty of the Head of Office, all the Forms and other documents which are required to be sent to the family should be forwarded with clear instructions so that unnecessary correspondence is avoided.

[G.I., M.F., O.M. No. F. 11 (9)-E. V (A)/77, dated the 15th February, 1979.]

80. Forwarding the papers to the Accounts Officer

(1) On receipt of claim or claims, the Head of Office shall complete items 22, 23, 24, 25 and 26 of Form 18 and send the said Form in original to the Accounts Officer with a covering letter in Form 19 along with the Government servant's service book duly completed up-to-date and any other documents relied upon for the verification of the service claimed. This shall be done not later than one month of the receipt of claim by the Head of Office.

(2) The Head of Office shall retain one copy of the aforesaid Form 18 for this office record.

(3) If the payment is desired in another circle of accounting unit, Form 18 shall be sent in duplicate to the Accounts Officer.

(4) The Head of Office shall draw the attention of the Accounts Officer to the details of Government dues outstanding against the deceased Government servant, namely,—

(*a*) Government dues as ascertained and assessed in terms of Rule 80-C and recoverable out of the gratuity before payment is authorised.

(*b*) Amount of gratuity to be held over partly for adjustment of Government dues which have not been assessed so far and partly as a margin for adjustment in the light of the final determination of the gratuity.

(*c*) The maximum amount of gratuity to be held over for the purpose of clause (*b*) shall be limited to ten per cent of the amount of gratuity or rupees one thousand, whichever is less.

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(5) (*a*) If form 18 has been completed and the claim or claims in the respective Forms have not been received from the beneficiary or beneficiaries, the Head of Office shall forward Form 18 and the documents referred to in sub-rule (1) to the Accounts Officer leaving unfilled items 22, 23, 24, 25 and 26 of Part I of the said Form.

(*b*) As soon as the claim or claims are received by Head of Office, they shall immediately be forwarded to the Accounts Officer with the request that items 22, 23, 24, 25 and 26 of Part I of Form 18 may be filled by the Accounts Officer.

80-A. Sanction, drawal and disbursement of provisional family pension and gratuity

(1) After the documents referred to in Rule 80 have been sent to the Accounts Officer concerned, the Head of Office shall draw provisional family pension not exceeding the maximum family pension and hundred per cent of the gratuity as determined in accordance with the provisions of this Chapter. For this purpose the Head of Office shall adopt the following procedure, namely:—

(*a*) he shall issue a sanction letter in favour of claimant or claimants endorsing a copy thereof to the Accounts Officer concerned indicating the amount of provisional family pension and hundred per cent of the gratuity as determined;

(*b*) he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (4) of Rule 80;

(*c*) after issue of the sanction letter he shall draw—

(*i*) the amount of the provisional family pension; and

(*ii*) the amount of hundred per cent of the gratuity after deducting therefrom the dues mentioned in clause (*b*),

in the same manner as pay and allowances of the establishment are drawn by him.

(2) The Head of Office shall disburse the provisional family pension (including arrears, if any) and the gratuity immediately after the same have been drawn under sub-rule (1).

(3) The payment of provisional family pension shall continue for a period of six months from the date following the date of death of the Government servant unless the period is extended by the Accounts Officer under the proviso to sub-rule (1) of Rule 80-B.

(4) The Head of Office shall inform the Accounts Officer—

(*a*) as soon as the gratuity has been paid to the claimant or claimants; and

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(*b*) as soon as provisional family pension has been paid for a period of six months or for the period extended under proviso to sub-rule (1) of Rule 80-B, as the case may be.

(5) If the claimant or any of the claimants desire the payment of provisional family pension or of gratuity or of both through money order or bank draft, the same shall be remitted to him or her through money order or bank draft at his own cost:

Provided that in the case of any claimant who is sanctioned a provisional family pension not exceeding [1][two hundred and fifty rupees] (inclusive of relief on family pension) per mensem, the amount of pension shall, at the request of the claimant, be remitted to him or her by money order at Government expense.

80-B. Authorisation of final pension and balance of the gratuity by the Accounts Officer

(1) On receipt of the documents referred to in sub-rule (1) of Rule 80, the Accounts Officer shall, within a period of three months from the date of receipt of the documents apply the requisite checks and complete Section I of Part II of Form 18 and assess the amount of family pension and gratuity:

Provided that if the Accounts Officer is, for any reason, unable to assess the amount within the period aforesaid, he shall communicate the fact to the Head of Office to continue to disburse the provisional family pension to the claimant for such period as may be specified by the Accounts Officer.

(2) (*a*) If the family pension is payable in his circle of accounting unit, the Accounts Officer shall prepare the pension payment order.

(*b*) The payment of family pension shall be effective from the date following the date on which the payment of provisional family pension ceased.

(*c*) Arrears of family pension, if any, in respect of the period for which provisional family pension was drawn and disbursed by the Head of Office shall also be authorised by the Accounts Officer.

(3) (*a*) The Accounts Officer shall determine the amount of the balance of the gratuity after adjusting the amount, if any, outstanding against the deceased Government servant.

1. Substituted by G.I., Dept. of Per. & A.R., Notification No. 31 (4)-Pen. 80, dated the 21st April, 1981. Limit raised to Rs. 500 excluding relief on pension. Amendment awaited. *See* proviso to Rule 66 as amended.

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(*b*) The Accounts Officer shall intimate to the Head of the Office, the amount of the balance of the gratuity determined under clause (*a*) with the remarks that the amount of the balance of the gratuity may be drawn and disbursed by the Head of Office to the person or persons to whom the provisional gratuity has been paid.

(*c*) The amount of gratuity withheld under clause (*b*) of sub-rule (1) of Rule 80-C shall be adjusted by the Head of Office against the outstanding licence-fee mentioned in clause (*viii*) of sub-rule (1) of Rule 80-C and the balance, if any, refunded to the person or persons to whom gratuity has been paid.

(4) The fact of the issue of the pension payment order shall be promptly reported to the Head of Office by the Accounts Officer and the documents which are no longer required shall also be returned to him.

(5) If the final family pension including the arrears of provisional family pension is payable in another circle of accounting unit, the Accounts Officer shall send the pension payment order together with a copy of Form 18, duly completed to the Accounts Officer of that unit for arranging payment:

Provided that the adjustment of provisional family pension drawn and disbursed by the Head of Office shall be made by the Accounts Officer in whose circle of accounting unit the provisional family pension was paid.

(6) If the amount of provisional family pension as disbursed by the Head of Office is found to be in excess of the final pension assessed by the Accounts Officer it shall be open to the Accounts Officer to adjust the excess amount in instalments by short payments of family pension payable in future.

(7) (*a*) If the amount of gratuity disbursed by the Head of Office proves to be larger than the amount finally assessed by the Accounts Officer the beneficiary shall not be required to refund the excess.

(*b*) The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount actually admissible are minimised and the official or officials responsible for the excess payment shall be accountable for the overpayment.

80-C. Adjustment of Government dues

(1) Dues pertaining to Government accommodation—

(*i*) If on the date of death the Government servant was allottee of Government accommodation, the Head of Office on receipt of intimation

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regarding the death of the Government servant shall within seven days of the receipt of such intimation, write to the Directorate of Estates for the issue of 'No demand certificate' so that authorisation of family pension and [1][death gratuity] is not delayed. While addressing the Directorate of Estates for the issue of no demand certificate, the Head of Office shall also supply the following information in duplicate (one copy marked to the Rent Wing and the second to the Allotment Wing):—

(*a*) name of the deceased Government servant with designation;

(*b*) particulars of the accommodation (quarter No., type and locality);

(*c*) date of death of Government servant;

(*d*) whether the Government servant was on leave at the time of his death and, if so, the period and nature of leave;

(*e*) whether the Government servant was enjoying rent-free accommodation;

(*f*) the period up to which licence fee had been recovered from the pay and allowances of the deceased Government servant and the monthly rate of recovery and particulars of the pay bill under which last recovery was made;

(*g*) if the licence fee had not been recovered up to the date of death and the family intends to retain Government accommodation for the permissible period of four[2] months from the date of death of the Government servant, details of the—

(*A*) period for which licence fee still remains to be recovered;

(*B*) the amount of licence fee in respect of the period at (*A*) to be determined on the basis of the standard rent bill;

(*C*) the amount of licence fee for the retention of Government accommodation by the family of the deceased Government servant for the concessional period of four[2] months beyond the date of death of the Government servant to be determined on the basis of standard bill;

(*D*) the amount of licence fee mentioned at (*B*) and (*C*) proposed to be recovered out of [1][death gratuity];

(*E*) details of any previous reference from the Directorate of Estates having bearing on the recovery of licence fee outstanding against the allottee and action taken thereon.

(*ii*) The Head of Office shall recover from the [1][death gratuity] the amount of licence fee as intimated to the Directorate of Estates under clause (*i*).

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1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

2. Now six months—*vide* S.R. 317-B-11 (2).

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(*iii*) The recovery of licence fee for the occupation of Government accommodation beyond the permissible period of four[1] months shall be the responsibility of the Directorate of Estates.

(*iv*) The Directorate of Estates shall scrutinise their records with a view to determine if licence fee other than the licence fee referred to in clause (*i*) was outstanding against deceased Government servant. If any recovery is found, the amount and the periods to which such recovery or recoveries relate shall be communicated to the Head of Office within a period of three months of the receipt of intimation regarding the death of the Government servant under clause (*i*).

(*v*) Pending receipt of information under clause (*iv*), the Head of Office shall withhold ten per cent of the [2][death gratuity] or one thousand rupees, whichever is less.

(*vi*) If no intimation is received by the Head of Office within the period prescribed under clause (*iv*) regarding recovery of licence fee, it shall be presumed that nothing was recoverable from the deceased Government servant and the amount of gratuity withheld shall be paid to the person or persons to whom the amount of death gratuity was paid.

(*vii*) If the Head of Office has received intimation from the Directorate of Estates under clause (*iv*) regarding licence fee outstanding against the deceased Government servant, the Head of Office shall verify from the acquittance rolls if the outstanding amount of licence fee was recovered from the pay and allowances of the deceased Government servant. If as a result of verification, it is found that the amount of licence fee shown as outstanding by the Directorate of Estates, had already been recovered, the Head of Office shall draw the attention of the Directorate of Estates to the pay bills under which the necessary recovery of the licence fee was made and subject to the provisions of sub-rule (2) take steps to pay the amount of the gratuity withheld under clause (*v*) to the person or persons to whom the death gratuity was paid.

(*viii*) If the outstanding amount of licence fee was not recovered from the pay and allowances of the deceased Government servant, the outstanding amount shall be adjusted against the amount of the gratuity withheld under clause (*v*) and the balance, if any, repaid to the person or persons to whom the amount of [2][death gratuity] was paid.

(2) Dues other than those referred to in sub-rule (1)—

The Head of Office shall, within one month of the receipt of intimation regarding death of a Government servant, take steps to ascertain if any dues as referred to in Rule 71 excluding the dues pertaining to the allotment of Government accommodation were recoverable from the

1. Now six months—*vide* S.R. 317-B-11 (2).

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

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deceased Government servant. Such ascertainable dues shall be recovered from the amount of [1][death gratuity] becoming payable to the family of the deceased Government servant.

80-D. Payment of family pension and [1][death gratuity] when a Government servant dies while on deputation

(1) In the case of a Government servant who dies while on deputation to another Central Government Department, action to authorise family pension and [1][death gratuity] in accordance with the provisions of this Chapter shall be taken by the Head of Office of the borrowing Department.

(2) In the case of a Government servant who dies while on deputation to a State Government or while on foreign service, action to authorise the payments of family pension and [1][death gratuity] in accordance with the provisions of this Chapter shall be taken by the Head of Office or the cadre authority which sanctioned the deputation of the Government servant to the State Government or to the foreign service.

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

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CHAPTER X

Sanction of Family Pension and Residuary Gratuity in respect of deceased pensioners

81. Sanction of family pension and residuary gratuity on the death of a pensioner

(1) Where the Head of Office has received an intimation regarding the death of a retired Government servant who was in receipt of pension, he shall ascertain whether any family pension or residuary gratuity or both is or are payable in respect of the deceased pensioner:

Provided that the Head of Office may, when he considers it necessary so to do, consult the [1][Accounts Officer].

(2) (A) (*i*) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of [1][Family Pension, 1964] under Rule 54, the amount of [1][Family Pension, 1964] as indicated in the Pension Payment Order shall become payable to the widow or widower, as the case may be, from the day following the date of death of the pensioner.

(*ii*) On receipt of [2][a claim in Form 14] from the widow or widower, the [1][Pension Disbursing Authority] from whom the deceased pensioner was drawing his or her pension shall authorise the payment of [1][Family Pension, 1964] to the widow or widower, as the case may be.

(B) (*i*) Where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in Form 14 to the Head of Office for the payment of [1][Family Pension, 1964]:

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the [1][son or unmarried daughter if he or she has attained the age of eighteen years and such a person may himself or herself submit a claim] in the said Form.

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1. Substituted by G.I., Dept. of P. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

2. Substituted by G.I., Dept. of P. & P.W., Notification No. 1/75/88-P. & P.W./C, dated the 9th January, 1989, published as S.O. No. 254 in the Gazette of India, dated the 4th February, 1989.

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(*ii*) On receipt of a claim from the guardian, the Head of Office shall sanction the [1][Family Pension, 1964] in Form 20.

(C) (*i*) Where a widow or widower in receipt of [1][Family Pension, 1964] remarries and has, at the time of remarriage, child or children from the former spouse who is or are eligible for [1][Family Pension, 1964] the remarried individual shall be eligible to draw the [1][Family Pension, 1964] on behalf of such child or children if such individual continues to be the guardian of such child or children.

(*ii*) For the purposes of sub-clause (*i*), the remarried individual shall apply to the Head of Office on plain paper furnishing the following particulars, namely:—

(*a*) a declaration that the applicant continues to be the guardian of such child or children;

(*b*) the date of remarriage;

(*c*) the name and date of birth of the child or children from the former spouse;

(*d*) [1][the pension disbursing authority] from where payment of [1][Family Pension, 1964] on behalf of such child or children is desired;

(*e*) full postal address of the applicant.

(*iii*) If the remarried individual has, for any reason, ceased to be the guardian of such child or children, the [1][Family Pension, 1964] shall become payable to the person entitled to act as guardian of such child or children under the law for the time being in force and such person may submit a claim in Form 14 to the Head of Office for the payment of [1][Family Pension, 1964]:

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of eighteen years and such person may himself or herself submit a claim in the said Form.

(*iv*) On receipt of the claim referred to in sub-clause (*iii*) the Head of Office shall sanction [1][Family Pension, 1964] in Form 21.

(D) (*i*) Where a widow or widower in receipt of [1][Family Pension, 1964] dies and leaves behind child or children who is or are eligible for [1][Family Pension, 1964] the guardian may submit a claim in Form 14 to the Head of Office for the payment of [1][Family Pension, 1964]:

1. Substituted by G.I., Dept. of P. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

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Provided that the guardian shall not be required to submit a claim in the said Form on behalf of [1][the son or unmarried daughter if he or she has attained the age of eighteen years and such a person may himself or herself submit claim] in the said Form.

(*ii*) On receipt of a claim [2][under sub-clause (*i*)] the Head of Office shall sanction [1][Family Pension, 1964] in Form 21.

[3](3) *Deleted.*

(4) Where on the death of a retired Government servant a residuary gratuity becomes payable to the family of the deceased under sub-rule (2) of Rule 50, the Head of Office shall sanction its payment on receipt of a claim or claims in Form 22 from the person or persons eligible to receive the residuary gratuity.

82. Authorisation of payment by [1][Accounts Officer]

On receipt of the sanction under Rule 81 regarding the payment of family pension or of residuary gratuity or of both, the Accounts Officer shall authorise the payment of the same.

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1. Substituted by G.I., Dept. of P. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

2. Substituted by G.I., Dept. of P. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

3. Deleted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.

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CHAPTER XI

Payments of Pensions

83. Date from which pension becomes payable

(1) Except in the case of a Government servant to whom the provisions of Rule 37 apply and subject to the provisions of [1][Rules 9 and 69] a pension other than family pension shall become payable from the date on which a Government servant ceases to be borne on the establishment.
[2][ ]

[2][ ]

(2) Pension including family pension shall be payable for the day on which its recipient dies.

84. [3]Currency in which pension is payable

All pensions including gratuities admissible under these rules shall be payable in rupees in India only.

85. Manner of payment of gratuity and pension

(1) Except as otherwise provided in these rules, a gratuity shall be paid in lump sum.

[4](2) A pension fixed at monthly rates shall be payable monthly on or after the last working day of the month to which the pension relates except for the month of March when it shall be payable on or after 1st working day of April.

86. Application of Treasury Rules

Save as otherwise provided in these rules, the Treasury Rules of the Central Government shall apply in regard to the procedure of payment—

(*i*) of gratuity,

(*ii*) of pension,

(*iii*) of pension undrawn for more than a year, and

(*iv*) of pension in respect of deceased pensioner.

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1. Substituted by G.I., Dept. of P. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.
2. Omitted by G.I., M.F., Notification No. 11 (1)-E. V (A)/73, dated the 14th July, 1975.
3. Substituted by G.I., Dept. of P. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.
4. Substituted by G.I., Dept. of Pen. & P.W., Notification No. 43/4/92-P. & P.W. (G), dated the 27th November, 1992.

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CHAPTER XII

Miscellaneous

87. Interpretation

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the [1][Department of Personnel and Administrative Reforms] for decision.

88. Power to relax

Where any Ministry or Department of the Government is satisfied that the operation of any of these rules, causes undue hardship in any particular case, the Ministry or Department, as the case may be, may, by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the [1][Department of Personnel and Administrative Reforms].

89. Repeal and Saving

(1) On the commencement of these rules, every rule, regulation or order including Office Memorandum (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation—

(*a*) (*i*) every nomination for the payment of death-cum-retirement gratuity, or of Family Pension, 1950;

(*ii*) every form regarding the details of family of a Government servant for the purpose of Family Pension, 1964; and

[2](*iii*) *Deleted.*

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1. Substituted by G.I., Dept. of P. & A.R., Notification No. 6 (2)-Pen. (A)/79, dated the 1st August, 1980.

2. Deleted by G.I., Dept. of P. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated the 19th May, 1980.

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(*b*) any nomination for the payment of death-cum-retirement gratuity or of [1][Family Pension, 1950] any form regarding the details of family of a Government servant for the purpose of [1][Family Pension, 1964] [2][ ] required to be made or given by a Government servant under the old rule but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules;

(*c*) any case which pertains to the [1][authorisation of pension] to a Government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made;

(*d*) any case which pertains to the [1][authorisation of death-cum-retirement gratuity] and family pension to the family of a deceased Government servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made;

(*e*) subject to the provisions of clauses (*c*) and (*d*), anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

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1. Substituted } by G.I., Dept. of P. & A.R., Notification No. 6 (1)-Pen. (A)/79, dated
2. Deleted } the 19th May, 1980.

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FORMS

FORM 1

[*See* Rule 53 (1)]

Nomination for Retirement Gratuity/Death Gratuity

When the Government servant has a family and wishes to nominate one member, or more than one member, thereof.

I,....., hereby nominate the person/persons mentioned below who is/are member(s) of my family, and confer on him/them the right to receive, to the extent specified below, any gratuity the payment of which may be authorised by the Central Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death—

Original nominee(s)				*Alternate nominee(s)*	
Names and addresses of nominee/ nominees	Relationship with the Government servant	Age	Amount or share of gratuity payable to each*	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity	Amount or share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

This nomination supersedes the nomination made by me earlier on .....which stands cancelled.

NOTE.—(*i*) The Government servant shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

(*ii*) Strike out which is not applicable.

*This column should be filled in so as to cover the whole amount of the gratuity.

**The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominee(s).

Forms as last amended by G.I., Dept. of P. & P.W.F., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388, in the Gazette of India, dated the 6th August, 1988.

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Dated this.....day of.....19 at.....

Witnesses to signature:

1. .....

2. ..... *Signature of Government servant*

(*To be filled by the Head of Office*)

Nomination by..... *Signature of Head of Office*

Designation..... Date.....

Office..... Designation.....

Pro forma for acknowledging the receipt of the nomination form by the Head of Office

To

.....

.....

.....

Sir,

In acknowledging the receipt of your nomination, dated the...../ cancellation, dated the.....of the nomination made earlier in respect of gratuity in Form.....I am to state that it has been duly placed on record.

Signature of Head of Office

Place.....

Dated the..... Designation.....

NOTE.—The Government servant is advised that it would be in the interest of his nominees if copies of the nominations and the related notices and acknowledgements are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.

FORM 2

[*See* Rule 53 (1)]

Nomination for Retirement Gratuity/Death Gratuity

When the Government servant has no family and wishes to nominate one person or more than one person

I,....., having no family, hereby nominate the person/persons mentioned below and confer on him/them the right to receive, to the extent specified below, any gratuity the payment of which may be authorised by the Central Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any

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gratuity, which having become admissible to me on retirement may remain unpaid at my death:

Original nominee(s)				*Alternate nominee(s)*	
Names and addresses of nominee/ nominees	Relationship with the Government servant	Age	Amount or share of gratuity payable to each*	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee pre-deceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity	Amount or share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

This nomination supersedes the nomination made by me earlier on .....which stands cancelled.

NOTE.—(*i*) The Government servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

(*ii*) Strike out which is not applicable.

Dated this.....day of.....19 at.....

Witnesses to signature:

1. .....

2. ..... *Signature of Government servant*

(*To be filled by the Head of Office*)

Nomination by.....

Designation.....

Office..... *Signature of Head of Office*

Date.....

Designation.....

*This column should be filled in so as to cover the whole amount of the gratuity.

**The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominee(s).

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Pro forma for acknowledging the receipt of the nomination form by the Head of Office

To

.....

.....

.....

Sir,

In acknowledging the receipt of your nomination, dated the...../ cancellation, dated the.....of the nomination made earlier in respect of gratuity in Form.....I am to state that it has been duly placed on record.

Place..... *Signature of Head of Office*

Dated the..... (Designation).....

NOTE.—The Government servant is advised that it would be in the interest of his nominees if copies of the nominations and the related notices and acknowledgements are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.

FORM 3

[*See* Rule 54 (12)]

Details of Family

Name of the Government servant... .....

Designation ... ...

Date of birth ... ...

Date of appointment ... ...

Details of the members of my family *as on ... ...

Serial No. (1)	Name of the members of family* (2)	Date of Birth (3)	Relationship with the officer (4)	Initials of the Head of Office (5)	Remarks (6)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					

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I hereby undertake to keep the above particulars up-to-date by notifying to the Head of Office any addition or alteration.

Place..... *Signature of Government servant*

Dated the.....

*Family for this purpose means family as defined in Clause (*b*) of sub-rule (14) of Rule 54 of the CCS (Pension) Rules, 1972.

NOTE.—Wife and husband shall include respectively judicially separated wife and husband.

FORM 4

[*Deleted*]

FORM 5

[*See* Rules 59 (1) (*c*) and 61 (1)]

Particulars to be obtained by the Head of Office from the retiring Government servant eight months before the date of his retirement

1. Name.

2. (*a*) Date of birth.

   (*b*) Date of retirement.

3. [1]Two specimen signatures (to be furnished in a separate sheet) duly attested by a Gazetted Government servant.

4. [2]Three copies of passport size joint [3]photograph with wife or husband (To be attested by the Head of Office).

5. Two slips showing the particulars of height and [4]personal identification marks duly attested by a Gazetted Government servant.

6. Present address.

7. [5]Address after retirement.

---

1. Two slips each bearing the left hand thumb and finger impressions duly attested may be furnished by a person who is not literate to sign his name. If such a Government servant on account of physical disability is unable to give left hand thumb and finger impressions he may give thumb and finger impressions of the right hand. Where a Government servant has lost both the hands, he may give his toe impressions. Impressions should be duly attested by a Gazetted Government servant.

2. Two copies of the passport size photograph of self only need be furnished if the Government servant is governed by Rule 54 of the Central Civil Services (Pension) Rules, 1972 and is unmarried or a widower or widow.

3. Where it is not possible for a Government servant to submit a photograph with his wife or her husband, he or she may submit separate photographs. The photographs shall be attested by the Head of Office.

4. Specify a few conspicuous marks, not less than two, if possible.

5. Any subsequent change of address should be notified to the Head of Office.

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8. Name of the Treasury or the Branch of Public Sector Bank or the Pay and Accounts Office through which the pension is to be drawn.

9. [1]Details of the family in Form 3.

10. Indicate whether family pension is admissible from any other source — Military or State Government and/or a public sector undertaking/autonomous body/Local Fund under the Central or a State Government.

Place..... *Signature*

Dated the..... Designation

Ministry/Deptt./Office

FORM 6

[*Deleted*]

FORM 7

Form for assessing Pension and Gratuity

[*See* Rules 58, 60, 61 (1) and (3) and 65 (1)]

(*To be sent in duplicate if payment is desired in a different circle of accounting unit*)

PART I

1. Name of the Government servant ...
2. Father's name (and also husband's name in the case of female Government servant) ...
3. Date of birth (by Christian era)... ...
4. Religion ... ...
5. Permanent residential address, showing village, town, district and State ... ...
6. Present or last appointment including name of establishment:
   (*i*) Substantive ... ...
   (*ii*) Officiating, if any ... ...
7. Date of beginning of service ... ...
8. Date of ending of service ... ...

1. Applicable only where Rule 54 of the Central Civil Services (Pension) Rules, 1972, applies to the Government servant.

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9. (*i*) Total period of military service for which pension or gratuity was sanctioned ...

(*ii*) Amount and nature of any pension/gratuity received for the military service ...

10. Amount and nature of any pension/gratuity received for previous civil service ...

11. Government under which service has been rendered in order of employment ... Years Months Days

12. Class of pension applicable ... ...

13. The date on which action initiated to—

(*i*) obtain the 'No demand certificate' from the Directorate of Estates as provided in Rule 57;

(*ii*) assess the service and emoluments qualifying for pension as provided in Rule 59; and

(*iii*) assess the Government dues other than the dues relating to the allotment of Government accommodation as provided in Rule 73 (1).

14. Details of omissions, imperfections or deficiencies in the service book which have been ignored under Rule 59 (1) (*b*) (*ii*) ... ...

15. Total length of qualifying service (for the purpose of adding towards broken periods, a month is reckoned as thirty days) ...

16. Periods of non-qualifying service— From To

(*i*) Interruption in service condoned under Rule 28 ... ...

(*ii*) Extraordinary leave not qualifying for pension ... ...

(*iii*) Period of suspension not treated as qualifying ... ...

(*iv*) Any other service not treated as qualifying

Total

17. Emoluments reckoning for gratuity ...

18. Average emoluments ... ...

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*Emoluments drawn during the last ten months of service

Post held	From	To	Pay	Personal Pay or Special Pay	Average Emoluments

19. Date on which Form 5 has been obtained from the Government servant [To be obtained eight months before the date of retirement of Government servant] ... ...

20. (*i*) Proposed pension ... ...

(*ii*) Proposed graded relief ... ...

21. Proposed retirement gratuity ... ...

22. Date from which pension is to commence ...

23. Proposed amount of provisional pension. If departmental or judicial proceeding is instituted against the Government servant before retirement ... ...

24. Details of Government dues recoverable out of gratuity—

(*i*) Licence fee for the allotment of Government accommodation [*See* sub-rules (2), (3) and (4) of Rule 72] ... ...

(*ii*) Dues referred to in Rule 73 ...

25. Whether nomination made for retirement gratuity/death gratuity... ... ...

26. Whether Family Pension, 1964, applies to the Government servant, and if so—

(*i*) emoluments reckoning for the family pension ... ...

(*ii*) the amount of the family pension becoming payable to the family of the Government servant, if death takes place after retirement— ... ...

(*a*) before attaining the age of 65 years, or Rs.....

(*b*) after attaining the age of 65 years... Rs.....

*(*i*) In a case where the last ten months include some period not to be reckoned for calculating average emoluments an equal period backward has to be taken for calculating average emoluments.

(*ii*) The calculation of average emoluments should be based on actual number of days contained in each month.

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(*iii*) Complete and up-to-date details of the family as given in Form 3—

Sl. No. (1)	Name of the member of the family (2)	Date of birth (3)	Relationship with the Government servant (4)
1.			
2.			
3.			
4.			
5.			

27. Height ... ...

28. Identification marks... ... ...

29. Place of payment of pension ... ...
(Treasury, Sub-Treasury or Branch of Public Sector Bank or the Pay and Accounts Office)

30. Head of Account to which pension and gratuity are debitable ... ...

Signature of the Head of Office

PART II

Section I

Account enfacement:

1. Total period of qualifying service, which has been accepted for the grant of superannuation or retiring or invalid or compensation or compulsory retirement pension and gratuity, with reasons for disallowance, if any (other than disallowance indicated in Part I of this Form)...

2. Amount of superannuation or retiring or invalid or compensation or compulsory retirement pension or gratuity that has been admitted

3. The date from which superannuation or retiring or invalid or compensation or compulsory retirement pension or gratuity is admissible...

4. Head of Account to which superannuation or retiring or invalid or compensation or compulsory retirement pension or gratuity is chargeable ... ...

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5. The amount of the Family Pension, 1964, becoming payable to the entitled members of the family in the event of death of the Government servant after retirement ... ...

Section II

1. Name of the Government servant ...
2. Class of pension or gratuity ... ...
3. Amount of pension authorised ... ...
4. Amount of gratuity authorised ... ...
5. Date of commencement of pension ...
6. Amount of family pension in the event of death after retirement—
   (*i*) if death takes place before 65 years of age, or ... ...
   (*ii*) if death takes place after 65 years of age
7. The amount of graded relief admissible on pension ... ...
8. The Government dues recoverable out of gratuity before authorising its payment ...
9. The amount of cash deposit or the amount of gratuity held over for adjustment of unassessed Government dues... ... ...
10. Date on which the pension papers received by the Accounts Officer ... ...

[1]PENSION CALCULATION SHEET

Revised Format

[*See* Decision (2) below Rule 61]

1. Name ... ...
2. Designation ... ...
3. Date of birth ... ...
4. Date of entry in the Government service ...
5. Date of retirement ... ...
6. Length of qualifying service reckoned for pension/gratuity (as indicated in PPO) ...
7. Emoluments drawn during the last 10 months

1. As substituted by G.I., Dept. of P. & P.W., O.M. No. 38/24/91-P. & P.W. (F), dated the 22nd November, 1991.

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8. (1) Average emoluments for pension (as indicated in PPO) ... ...

(2) Pension admissible ... ...

Calculations to be shown as follows:—

$$\frac{\text{Average Emoluments}}{2} \times \frac{\text{*Qualifying Service}}{66}$$

9. (1) Emoluments for gratuity (as indicated in PPO) ... ...

(2) Retirement gratuity admissible ...

Calculation to be shown as follows:—

$$\frac{\text{Emoluments}}{4} \times \text{*Qualifying Service}$$

10. (1) Emoluments for Family Pension (as indicated in PPO)

(2) Family Pension admissible

Calculations to be shown as follows:—

(*a*) *Ordinary Family Pension*:

Pay last drawn × Prescribed % subject to prescribed minimum and maximum

(*b*) *Enhanced Family Pension*:

Family Pension at ordinary rate as at (*a*) above × 2, subject to prescribed minimum and maximum as per Rule 54.

Countersigned

Head of Office
PAO

FORM 8

[Form of letter to the Accounts Officer forwarding the pension papers of a Government servant

No.....

Government of India

Ministry of.....

Department/Office.....

Dated the.....

*in completed 6 monthly period, not exceeding 66.

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To

The Pay and Accounts Officer/
Accountant-General

.....

.....

.....

Subject:—**Pension papers of Shri/Shrimati/Kumari..... for authorisation of pension.**

Sir,

I am directed to forward herewith the pension papers of Shri/Shrimati/Kumari.....of this Ministry/Department/Office for further necessary action.

2. The details of Government dues which will remain outstanding on the date of retirement of the Government servant and which need to be recovered out of the amount of retirement gratuity are indicated below—

(*a*) Balance of the house-building or conveyance advance... Rs.

(*b*) Overpayment of pay and allowances including leave salary ... ... Rs.

(*c*) Income Tax deductible at source under the Income Tax Act, 1961 (43 of 1961) ... Rs.

(*d*) Arrears of licence fee for occupation of Government accommodation ... ... Rs.

(*e*) The amount of licence fee for the retention of Government accommodation for the permissible period of two months beyond the date of retirement ... ... Rs.

(*f*) Any other assessed dues and the nature thereof Rs.

(*g*) The amount of gratuity to be withheld for adjustment of unassessed dues, if any ... Rs.

Total _____

_____

3. Your attention is invited to the list of enclosures which is forwarded herewith.

4. The receipt of this letter may be acknowledged and this Ministry/Department/Office informed that necessary instructions for the disbursement of pension have been issued to disbursing authority concerned.

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5. The retirement gratuity will be drawn and disbursed by this Ministry/Department/Office on receipt of authority from you. The outstanding Government dues as mentioned in para. 2 above will also be recovered out of the retirement gratuity before making payment.

Yours faithfully,
Head of Office.

List of enclosures

1. Form 5* and Form 7 duly completed.

2. Medical certificate of incapacity (if the claim is for invalid pension).

3. Statement of the savings effected and the reasons why employment could not be found elsewhere (if claim is for compensation pension or gratuity).

4. Service Book (date of retirement to be indicated in the service book).

5. (*a*) Two specimen signatures, duly attested by a Gazetted Government servant or in the case of pensioner not literate enough to sign his name, two slips bearing the left hand thumb and finger impressions, duly attested by a Gazetted Government servant.

**(*b*) Three copies of passport size photograph with wife or husband (either jointly or separately) duly attested by the Head of Office.

(*c*) Two slips showing the particulars of height and identification marks, duly attested by a Gazetted Government servant.

6. A statement indicating the reasons for delay in case the pension papers are not forwarded before six months of the retirement of Government servant.

7. Written statement, if any, of the Government servant as required under Rule 59 (1) (*a*).

8. Brief statement leading to reinstatement of the Government servant in case the Government servant has been reinstated after having been suspended, compulsorily retired, removed or dismissed from service.

NOTE.—When initials or name of the Government servant are or is incorrectly given in the various records consulted, this fact should be mentioned in the letter.

---

*If a Government servant is compulsorily retired from service and delay is anticipated in obtaining Form 5 from the Government servant, the Head of Office may forward the pension papers to the Accounts Officer without Form 5. The Form may be sent as soon as it is obtained from the Government servant.

**Only two copies of passport size photograph need be furnished if the Government servant is governed by Rule 54 of the Central Civil Services (Pension) Rules, 1972 and is unmarried or a widower or a widow.

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FORM 9

[*Deleted*]

FORM 10

[*See* Rule 77 (2)]

Form of letter to the member or members of the family of a deceased Government servant where valid nomination for the grant of the death gratuity exists

No.....
Government of India
Ministry of.....
Department of.....
Dated the.....

To

.....
.....
.....

Subject:—**Payment of death gratuity in respect of the late Shri/ Shrimati**.....

Sir/Madam,

I am directed to state that in terms of the nomination made by the late Shri/Shrimati.....(Designation) in the Office/Department/ Ministry of.....a death gratuity is payable to his/her nominee(s). A copy of the said nomination is enclosed herewith.

2. I am to request that a claim for the grant of the gratuity may be submitted by you in the enclosed Form 12.

3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid, in whole or in part, precise details of the contingency may kindly be stated.

Yours faithfully,
Head of Office.

FORM 11

[*See* Rule 77 (2)]

Form of letter to the member or members of the family of a deceased Government servant where valid nomination for the grant of the death gratuity does not exist

No.....
Government of India
Ministry of.....
Department of.....
Dated the.....

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To

.....

.....

.....

Subject:—**Payment of death gratuity in respect of the late Shri/ Shrimati**.....

Sir/Madam,

I am directed to say that in terms of Rule 50 of the Central Civil Services (Pension) Rules, 1972, a death gratuity is payable to the following members of the family of late Shri/Shrimati.....(Designation), in the Office/Department/Ministry of.....in equal shares:—

(*i*) Wife/husband including judicially separated wife/husband.

(*ii*) Sons
(*iii*) Unmarried daughters } including step children and adopted children.

2. In the event of there being no surviving member of the family as indicated above, the gratuity will be payable to the following members of the family in equal shares:—

(*i*) widowed daughters including step daughters and adopted daughters;

(*ii*) father
(*iii*) mother } including adoptive parents in case of individuals whose personal law permits adoption;

(*iv*) brother below the age of eighteen years and unmarried and widowed sisters including step brothers and step sisters;

(*v*) married daughters; and

(*vi*) children of a pre-deceased son.

3. It is requested that a claim for the payment of gratuity may be submitted in the enclosed Form 12 as soon as possible.

Yours faithfully,

Head of Office.

FORM 12

[*See* Rule 77 (2)]

Form of application for the grant of death gratuity on the death of a Government servant

(To be filled in separately by each claimant and in case the claimant is minor, the Form should be filled in by the guardian on his/her behalf. Where there are more than one minor, the guardian should claim gratuity in one Form on their behalf)

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1. (*i*) Name of the claimant in case he is not minor ... ...

   (*ii*) Date of birth of the claimant ...

2. (*i*) Name of the guardian in case the claimants are minors ... ...

   (*ii*) Date of birth of the guardian ...

3. (*i*) Name of the deceased Government servant in respect of whom gratuity is being claimed ... ...

   (*ii*) Date of death of Government servant...

   (*iii*) Office/Department/Ministry in which the deceased served last ... ...

4. Relationship of the claimant/guardian with the deceased Government servant ... ...

5. Full Postal Address of the claimant/guardian

6. (*i*) Where gratuity is claimed by the guardian on behalf of minors, the names of the minors, their ages, relationship with the deceased Government servant, etc.—

Serial No.	Name	Age	Relationship with the deceased Government servant	Postal Address
1.				
2.				
3.				
4.				

   (*ii*) Relationship of the guardian with minor

7. Place of payment of Pension and Gratuity (Treasury, Sub-Treasury, Public Sector Bank Branch, or the Pay and Accounts Office) ...

Signature/Thumb-impression of the claimant/guardian

8. Two specimen signatures [1]or left hand thumb and finger impressions of the claimant/guardian duly attested ... ...
   (To be furnished in a separate sheet)

1. To be furnished in case the applicant is not literate enough to sign his name.

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9. [1]Attested by—

	Name	Full Address	Signature
(*i*)	.....	.....	.....
(*ii*)	.....	.....	.....

10. Witnesses:

(*i*)	.....	.....	.....
(*ii*)	.....	.....	.....

FORM 13

[*See* Rule 77 (3)]

Form of letter to the widow/widower of a deceased Government servant for grant of Family Pension, 1964

No.....
Government of India
Ministry of.....
Department of.....
Dated the.....

To

.....
.....
.....

Subject:—**Payment of Family Pension, 1964, in respect of late Shri/Shrimati**.....

Sir/Madam,

I am directed to state that in terms of Rule 54 of the Central Civil Services (Pension) Rules, 1972, a family pension, 1964, is payable to you as widow/widower of the late Shri/Shrimati.....(Designation) in the Office/Department/Ministry of.....

2. You are advised that a claim for the grant of Family Pension, 1964, may be submitted in the enclosed Form 14.

3. The Family Pension, 1964, will be payable till your death or remarriage, whichever event occurs earlier. In the event of your death or remarriage, the Family Pension, 1964, shall be granted to the child or children, if any, through the guardian.

Yours faithfully,

Head of Office.

1. Attestation should be done by two Gazetted Government servants or two or more persons of respectability in the town, village or Pargana in which the applicant resides.

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[1]FORM 14

[*See* Rules 77 (3) and 81 (2)]

Form of application for the grant of Family Pension, 1964, on the death of a Government servant/pensioner

1. Name of the applicant ... ...

   (*i*) Widow/Widower ... ...

   (*ii*) Guardian if the deceased person is survived by child or children ... ...

2. Name and age of surviving widow/widower and children of the deceased Government servant/pensioner ... ...

Serial No.	Name	Relationship with the deceased person	Date of birth by Christian era
1.			
2.			
3.			
4.			
5.			
6.			

3. Name and No. of the PPO of the deceased pensioner ... ...

4. Date of death of the Government servant/pensioner ... ...

5. Office/Department/Ministry in which the deceased Government servant/pensioner served last ... ...

6. If the applicant is guardian, his date of birth and relationship with the deceased Government servant/pensioner ... ...

6-A. If the applicant is a widow/widower the amount of service pension which she/he may be in receipt on the date of death of the husband/wife ... ...

7. Full address of the applicant ... ...

8. Place of payment of Pension and Gratuity (Treasury, Sub-treasury or Public Sector Bank Branch and Pay and Accounts Office) ...

1. Form TR 40-A as amended.

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9. *Enclosures*:

(*i*) Two specimen signatures of the applicant, duly attested (To be furnished in two separate sheets).

(*ii*) Two copies of passport size photograph of the applicant, duly attested.

(*iii*) Two slips each bearing left hand thumb and finger impressions* of the applicant, duly attested.

(*iv*) Descriptive Roll of the applicant, duly attested, indicating (*a*) height and (*b*) personal marks, if any, on the hand, face, etc. (Specify a few conspicuous marks, not less than two, if possible.)
(To be furnished in duplicate.)

(*v*) Certificate(s) of age (in original with two attested copies) showing the dates of birth of the children. The certificate should be from the Municipal Authorities or from the local panchayat or from the head of a recognised school if the child is studying in such school. (This information should be furnished in respect of such child or children, the particulars of whose date of birth are not available with the Head of Office).

10. Indicate whether family pension is admissible from any other source—Military or State Government and/or a public sector undertaking/autonomous body/local fund under the Central or a State Government... ...

11. Signature or left hand thumb-impression* of the applicant ... ...

12. Attested by:

	Name	Full Address	Signature
(*i*)	.....	.....	.....
(*ii*)	.....	.....	.....

*To be furnished in case the applicant is not literate enough to sign his name.

In the case of re-marriage of the widow while applying for family pension on behalf of the minor child, the widow should furnish (*i*) the date of her re-marriage, (*ii*) name of the Treasury/Sub-Treasury at which payment is desired and (*iii*) her full address in the application for family pension. It is not necessary to furnish a fresh application nor the documents as they are already available with the pension papers on which family pension was originally admitted to her.

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13. Witnesses:

	Name	Full Address	Signature
(*i*)	.....	.....	.....
(*ii*)	.....	.....	.....

NOTE.—Attestation should be done by two Gazetted Government servants or two or more persons of respectability in the town, village or Pargana in which the applicant resides.

FORM 15

[*Deleted.*]

FORM 16

[*Deleted.*]

FORM 17

[*Deleted.*]

FORM 18

[*See* Rules 78 (1), 80 (1), (3) and (5) and 80-B (1) and (5)]

Form for assessing and authorising the payment of family pension and death gratuity when a Government servant dies while in service

(*To be sent in duplicate if payment is desired in a different Circle of accounting unit*)

PART I

Section I

1. Name of the deceased Government servant...
2. Father's name (and also husband's name in the case of female Government servant) ...
3. Date of birth (by Christian era)... ...
4. Date of death (by Christian era) ...
5. Religion ... ...
6. Office/Department/Ministry in which last employed ... ...
7. Appointment held last ... ...
   (*i*) substantive ... ...
   (*ii*) officiating ... ...
8. Date of beginning of service ... ...
9. Date of ending of service ... ...

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10. (*i*) Total period of military service for which pension, gratuity was sanctioned; and...
    (*ii*) Amount and nature of any pension, gratuity received for the military service ...
11. Amount and nature of any pension received for previous civil service, if any ... ...
12. Government under which service has been rendered in order of employment ... ...
13. The date on which intimation regarding the death of Government servant was received by the Head of Office ... ...
14. The date on which action initiated to—
    (*i*) obtain claim or claims from the claimants in the appropriate form for death gratuity and family pension as provided in Rule 77;
    (*ii*) obtain the 'No demand certificate' from the Directorate of Estates as provided in Rule 80-C (1);
    (*iii*) assess the Government dues other than the dues pertaining to occupation of Government accommodation as provided in Rule 80-C (2); and
    (*iv*) assess the service and emoluments qualifying for death gratuity and family pension as provided in Rules 78 and 79.
15. Whether nomination made for death gratuity
16. Length of service qualifying for death gratuity/ pension ... ...
17. Periods of non-qualifying service— From To
    (*i*) Interruption in service condoned under Rule 28 ... ...
    (*ii*) Extraordinary leave not qualifying for gratuity ... ...
    (*iii*) Period of suspension treated as non-qualifying ... ...
    (*iv*) Any other service not treated as qualifying service ... ...

    Total period of non-qualifying service ... _____ _____
18. (*a*) Emoluments reckoning for death gratuity
    (*b*) Amount of death gratuity ... ...
19. *Deleted.*
20. *Deleted.*

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21. (*i*) Proposed Family Pension at—

(*a*) enhanced rates [if service rendered at the time of death is more than seven years as in Rule 54 (3)] ...

(*b*) ordinary rates—[as in Rule 54 (2)]...

(*ii*) Period of tenability of Family Pension— From To

(*a*) enhanced rates ... ...

(*b*) ordinary rates ... ...

22. Persons to whom family pension is payable—

Name ... ...

Relationship with the deceased Government servant ... ...

Full postal address ... ...

23. Details of Government dues recoverable out of gratuity—

(*i*) Licence fee for occupation of Government accommodation [*See* Rule 80-C] ...

(*ii*) Amount of death gratuity to be held over pending receipt of information from the Directorate of Estates ... ...
[*See* Rule 80-C (*i*) (*v*)]

(*iii*) Dues referred to in Rule 80-C (2) ...

24. Date on which claims received from the claimants ... ...

25. Name of guardian who will receive payment of death gratuity and family pension in the case of minors ... ...

26. Place of payment (Treasury, Sub-Treasury or Branch or Public Sector Bank or the Pay and Accounts Office) ... ...

27. Head of Account to which death gratuity and family pension are debitable ... ...

Place
Dated the

Signature of
Head of Office

Section II

Details of provisional family pension and gratuity to be drawn and disbursed by the Head of Office in accordance with Rule 80-A.

Provisional family pension ... ... Rs.....p.m.

Gratuity [the amount mentioned in item 18 (*b*) of Part I] ... ... Rs.....

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Less

(*a*) Licence fee recoverable from gratuity for occupation of Government accommodation [as in item 23 (*i*) of Part I] ... Rs.....

(*b*) Amount of gratuity to be held over pending receipt of information from the Directorate of Estates [as in item 23 (*ii*) of Part I] ... ... Rs.....

(*c*) Other Government dues as mentioned in item 23 (*iii*) of Part I ... ... Rs.....

(*d*) Total of (*a*), (*b*) and (*c*) ... ... Rs.....

Place
Dated the

Signature of Head of Office

PART II

Account Enfacement

Section I

1. Total period of qualifying service which has been accepted for—
   (*i*) Death gratuity ... ...
   (*ii*) Family Pension, 1964 ... ...
2. Net amount of gratuity after adjusting Government dues ... ...
3. Amount and the period of tenability of Family Pension, 1964. If death took place—

	Amount	Period of tenability	
	Rs.	From	To
(*i*) before seven years service			
(*ii*) after seven years service			

4. Date from which Family Pension is admissible
5. Head of Account to which death gratuity and family pension are chargeable ... ...

Section II

1. Name of the deceased Government servant...
2. Date of death of the Government servant ...
3. Date on which pension papers received by the Accounts Officer ... ...
4. Amount of family pension authorised ...
5. Amount of gratuity authorised ... ...

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6. Date of commencement of family pension ...
7. Date on which payment of family pension and gratuity authorised ... ...
8. Amount recoverable from gratuity ...
9. Amount of gratuity held over pending receipt of 'No demand certificate' ... ...

Place
Dated the

Accounts Officer

FORM 19

[*See* Rule 80 (1)]

Form of letter to the Accounts Officer forwarding papers for the grant of family pension and death gratuity to the family of a Government servant who dies while in service

No.....
Government of India
Ministry of.....
Department/Office.....
Dated the.....

To

The Pay and Accounts Officer/
Accountant-General
.....
.....

Subject:—**Grant of family pension and death gratuity.**

I am directed to say that Shri.....designation .....died on.....His family has become eligible for the grant of family pension and death gratuity. Form 18 duly completed is forwarded herewith for further necessary action.

2. Government dues in respect of the deceased Government servant will be recovered out of the death gratuity as indicated in Section II of Part I of Form 18.

3. Your attention is invited to the list of enclosures which is forwarded herewith.

4. The receipt of this letter may be acknowledged and this Ministry/Department/Office informed that necessary instructions for the disbursement of family pension and death gratuity have been issued to the disbursing authority concerned.

Yours faithfully,
Head of Office.

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List of enclosures

1. Form 18 duly completed.

2. Service book (date of death to be indicated in the service book).

3. Two specimen signatures or left hand thumb and finger impressions of the claimant or guardian duly attested.

4. Two copies of passport size photograph of the claimant or guardian duly attested.

5. Two copies of descriptive roll of the claimant or guardian duly attested indicating height and personal marks.

6. Postal address of the claimant or guardian.

FORM 20

[*See* Rule 81 (2)]

Form of letter sanctioning Family Pension to the child or children of a retired Government servant who dies after retirement but does not leave behind a widow or widower

No.....

Government of India

Ministry of.....

Department/Office.....

Dated the.....

To

The Pay and Accounts Officer/
Accountant-General

.....

.....

.....

Subject:—**Grant of Family Pension to the child/children.**

Sir,

I am directed to say that Shri/Shrimati..... formerly.....(Designation) in this Ministry/Department was authorised pension of Rs.....with effect from..... on his/her retirement from service.

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2. Intimation has been received in this Ministry/Department/Office that Shri/Shrimati.....died on.....and that at the time of death left no widow/widower but was survived by the following children*:—

Sl. No.	Name	Son/ Daughter	Date of birth in Christian era	Date from which family pension ceases to be payable
(1)				
(2)				
(3)				
(4)				

3. In terms of Rule 54 of the Central Civil Services (Pension) Rules, 1972, the amount of Family Pension has become payable to the children in the order mentioned above. The Family Pension will be payable on behalf of the minor to Shri/Shrimati.....who is the guardian.

4. Sanction for the grant of Family Pension of Rs.....per month to the children mentioned above is hereby accorded. The Family Pension will take effect from.....and subject to the provisions of sub-rule (6) of Rule 54 of the Central Civil Services (Pension) Rules, 1972, will be tenable till.....

5. The Family Pension is debitable to the Head.....

6. Attention is invited to the information furnished in the list of enclosures.

7. The receipt of this letter may kindly be acknowledged and this Ministry/Department/Office informed that instructions for the payment of Family Pension, to the guardian have been issued to the disbursing authority concerned.

Yours faithfully,

Head of Office.

List of enclosures

1. Permanent address of the guardian.

2. Place of payment (Government Treasury, Sub-Treasury or Branch of Public Sector Bank or Pay and Accounts Office).

3. Specimen signature or **[left hand thumb and finger impressions of the claimant or guardian duly attested.

4. Two attested copies of passport size photograph of the guardian.

5. Descriptive roll of the guardian, duly attested.

*The names of children should be mentioned in the order of eligibility mentioned in Rule 54 of the Central Civil Services (Pension) Rules, 1972.

**To be furnished in the case of the guardian who is not literate enough to sign his or her name.

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FORM 21

[*See* Rule 81 (2)]

Form of letter sanctioning Family Pension to the child or children on the death or re-marriage of a widow/widower who was in receipt of Family Pension

No.....
Government of India
Ministry of.....
Department/Office of.....
Dated the.....

To

The Pay and Accounts Officer/
Accountant-General

.....

.....

Subject:—**Grant of Family Pension to the child/children.**

Sir,

I am directed to say that Shri/Shrimati.....widow/widower of late Shri/Shrimati.....formerly.....(*designation*) in this Ministry/Department/Office was authorised the payment of Family Pension of Rs.....with effect from.....The Family Pension was tenable till the death or re-marriage of the widow/widower.

2. Intimation has been received in this Ministry/Department/Office that Shri/Shrimati.....died/re-married on.....

3. At the time of death/re-marriage Shri/Shrimati..... had following children*:—

Sl. No.	Name	Son/ Daughter	Date of birth in Christian era	Date from which the family pension ceases to be payable
(1)				
(2)				
(3)				
(4)				

4. In terms of Rule 54 of the Central Civil Services (Pension) Rules, 1972, the amount of Family Pension has become payable to the children in the order mentioned above. The Family Pension will be payable on behalf of the minors to Shri/Shrimati.....who is the guardian.

*The names of children should be mentioned in the order of eligibility mentioned in Rule 54 of the Central Civil Services (Pension) Rules, 1972.

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5. Sanction for the grant of Family Pension Rs.....per month to the children, mentioned above is hereby accorded. The Family Pension will take effect from.....and subject to the provisions of sub-rule (6) of Rule 54 of the Central Civil Services (Pension) Rules, 1972, will be tenable till.....

6. The Family Pension is debitable to the Head.....

7. Attention is invited to the information furnished in the list of enclosures.

8. The receipt of this letter may kindly be acknowledged and this Ministry/Department/Office informed that necessary instructions for the payment of Family Pension to the guardian have been issued to the disbursing officer concerned.

Yours faithfully,

Head of Office.

List of enclosures

1. Permanent address of the guardian.

2. Place of payment (Government Treasury, Sub-Treasury, Branch of Public Sector Bank or Pay and Accounts Office).

3. Specimen signature or *left hand thumb and finger impressions of the guardian, duly attested.

4. Two attested copies of passport size photograph of the guardian.

5. Descriptive roll of the guardian, duly attested.

FORM 22

[*See* Rule 81 (4)]

Form of application for the grant of Residuary[1] Gratuity on the death of a pensioner

(*To be filled in separately by each applicant*)

1. Name of the applicant ... ...
2. (*i*) Name of the guardian in case the applicant is a minor ... ...
   (*ii*) Date of birth of guardian ... ...

*To be furnished in the case of the guardian who is not literate enough to sign his or her name.

1. If a retired Government servant in receipt of service gratuity or pension dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including *ad hoc* increase, if any, together with the death-cum-retirement gratuity and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments, a residuary gratuity equal to the deficiency becomes payable to the family.

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3. Name of the deceased pensioner ...
4. Office/Department/Ministry in which the deceased pensioner served last ... ...
5. Date of death of the pensioner... ...
6. Date of retirement of the deceased pensioner
7. Amount of monthly *pension (including *ad hoc* increase, if any) sanctioned to deceased pensioner ... ...
8. Amount of retirement gratuity received by the deceased pensioner ... ...
9. The amount of *pension (including *ad hoc* increase, if any) drawn by the deceased till the date of death ... ...
10. If the deceased had commuted a portion of pension before his death, the commuted value of the pension ... ...
11. Total of items 8, 9 and 10 ... ...
12. Amount of death gratuity equal to 12 times of the emoluments ... ...
13. The amount of residuary gratuity claimed, i.e., the difference between the amount shown against items 12 and 11 ... ...
14. Relationship of the applicant with the deceased pensioner ... ...
15. Date of birth of the applicant ... ...
16. Name of the Treasury or Sub-Treasury at which payment is desired ... ...
17. Full address of the applicant ... ...
18. Signature or thumb-impression of the applicant (To be furnished in a separate sheet duly attested.**)
19. Attested by:

	Name	Full Address	Signature
(*i*)	.....	.....	.....
(*ii*)	.....	.....	.....

*When a Government servant has retired before earning a pension, the amount of service gratuity should be indicated.

**Attestation should be done by two Gazetted Government servants or by two or more persons of respectability in the town, village or pargana in which the applicant resides.

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20. Witnesses:

	Name	Full Address	Signature
(*i*)	.....	.....	.....
(*ii*)	.....	.....	.....

FORM 23

[*See* Rule 38 (3)]

Form of Medical Certificate

"Certified that *I/(We) have carefully examined AB son of CD a .....in the.....His age by his own statement is..... years, and by appearance about.....years. I/(We) consider AB to be completely and permanently incapacitated for further service of any kind in the Department to which he belongs in consequence of..... (here state disease or cause)."

(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made.)

"*I am/We are of opinion that AB is fit for further service of a less laborious character than that which he had been doing/may, after resting for.....months, be fit for further service of less laborious character than that which he had been doing."

Medical Authority

Place

Dated the

FORM 24

[*See* Rule 32]

Form of certificate of verification of service for pension

No.....

Government of India

Ministry of.....

Department of.....

Dated.....

Certificate

It is clarified, in consultation with the Accounts Officer, that Shri .....Designation.....has completed a qualifying service of

*Strike out whichever is not applicable.

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.....years.....months, ...days as on..... (date), as per details given below. The service has been verified on the basis of his service documents and in accordance with the rules regarding qualifying service in force at present. The verification of service under sub-rules (1) and (2) of Rule 32 of the Central Civil Services (Pension) Rules, 1972, shall be treated as final and shall not be re-opened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for pension.

DETAILS OF QUALIFYING SERVICE

	From	To
1.		
2.		
3.		

Signature of Head of Office

To

Shri.....

(*Name and Designation*)

[1]FORM 25

[*See* Rule 10 (1)]

Form of application for permision to Central Services officers to accept commercial employment within a period of two years after retirement

1. Name of the Officer (in BLOCK letters) ... ...
2. Date of retirement ... ...
3. Particulars of the Ministry/Deptt./Office in which the officer served during the last 5 years preceding retirement (with duration):

Name of Ministry/ Department/Office	Post held	Duration	
		From	To

4. Post held at the time of retirement and period for which held ... ...
5. Pay scale of the post and pay drawn by the Officer at the time of retirement... ...

1. Inserted by G.I., Dept. of Per. & A.R., Notification No. 29/4/83-Pension Unit, dated the 15th November, 1984.

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6. Pensionary benefits:

Pension expected/sanctioned (commutation if any, should be mentioned)	Gratuity, if any

7. Details regarding commercial employment proposed to be taken up—
   (*a*) Name of the firm/company/Co-operative Society, etc. ... ...
   (*b*) Products being manufactured by the firm/ type of business carried out by the firm, etc. ... ...
   (*c*) Whether the official had during his official career, any dealings with the firm, etc....
   (*d*) Duration and nature of the official dealings with the firm ... ...
   (*e*) Name of the job/post offered ...
   (*f*) Whether post was advertised, if not, how was offer made (attach newspaper cutting of the advertisement, and a copy of the offer of appointment, if any) ...
   (*g*) Description of the duties of the job/post
   (*h*) Remuneration offered for post/job ...
   (*i*) If proposing to set up a practice, indicate—
      (*a*) Professional qualification/in the field of practice ... ...
      (*b*) Nature of proposed practice ...
8. Any information which the applicant desires to furnish in support of his request ...
9. Declaration:—

   I hereby declare that—

   (*i*) the employment which I propose to take up will not bring me into conflict with Government;
   (*ii*) my commercial duties will not be such that my previous official position or knowledge or experience under Government could be used to give my proposed employer an unfair advantage;
   (*iii*) my commercial duties will not involve liaison or contact with the Government departments.

Signature of the applicant

Address:

Dated:

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STATEMENTS FOR MONITORING AND REPORTING SYSTEM

[*See* Decision (1) below Rule 74]

Statement No. 1

Monthly statement showing particulars of Government servants who became due for retirement in the next eight months

(*To be submitted by the Head of Office to the next higher Officer*)

Statement for the month of.....**19 .**

Name of the Office.....Place.....

1	2	3	4	5	6
Sl. No.	Name of the Government servant due for retirement	Desig-nation	Date of retire-ment	Whether action to complete pension papers was initiated two years in advance of retirement [cf. Rule 58 and Rule 59 of the CCS (Pension) Rules, 1972]	Present stage of the case [cf. para. 8 of OM, dated 28-2-76]

Statement No. 2

Monthly statement showing particulars of Government servants who became due for retirement in the previous calendar month and the date of authorisation of final pension

(*To be submitted by the Head of Office to the next higher Officer*)

Statement for the month of.....**19 .**

Name of the Office.....Place.....

Part I

1	2	3	4	5	6	7	8
Sl. No.	Name of the Govern-ment ser-vant who retired in the preceding month	Desig-nation	Date of retire-ment	Number and date of final pension payment order, if issued	If final PPO not issued by the date of retire-ment, the date on which Provi-sional Pension and Gratuity authorised by the Head of Office and date of disbursement of the pension due for the first month after retirement	In case gratuity was not autho-rised or a por-tion of it was withheld and the amounts subsequently paid, the Num-ber, Amount, date of bill, cheque/draft and date of its disbursement	Re-marks

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Part II

1	2	3	4	5
Sl. No.	Total number of Government servants who retired during the preceding month	Total number of Government servants in whose case the final PPO and final Order for gratuity issued before the date of retirement of Government servants	Total number of Government servants in whose case final PPO, etc., has not been issued but provisional pension and gratuity authorised by the Head of Office to be paid in the month following the month of retirement of Government servants	Total number of cases where provisional pension and gratuity was not authorised immediately on retirement and reasons therefor. [Col. 2 *minus* (Col. 3 + Col. 4)]

NOTE.—Part II of the Statement is to be submitted by the next higher officer to the Head of the Department.

Statement No. 3

Quarterly Statement showing particulars of Government servants in whose case final pension payment order was not issued within six months of retirement and where provisional pension had to be made final

(*To be submitted to the Head of Department*)

Statement for the Quarter ending
***31st March/30th June/30th September/31st December**

Name of the Office.....Place.....

1	2	3	4	5	6	7	8
Sl. No.	Name of retiring Government servant	Designation	Date of retirement	Date of authorisation of provisional pension	Date on which provisional pension made final	Reason for non-determination of final pension	Remarks

*Delete whichever is not applicable.

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Statement No. 4

Quarterly Statement showing particulars of Government servants where presumptions have been made in favour of retiring Government servants because of incomplete/improper maintenance of service records

(To be submitted to the Head of Department one quarter in arrear, i.e., Statement of Quarter ending 31st March to be submitted in July of the year)

Name of the Office.....Place.....

Statement for the Quarter ending
***31st March/30th June/30th September/31st December**

1	2	3	4	5	6	7	8	9
Sl. No.	Name of the retiring Government servant	Designation	Date of retirement	Date on which final PO issued	The nature of presumption made	Monetary effect of presumption, i.e., the amount by which the pension/gratuity of the Government servant has increased because of presumption	Officer(s) responsible for improper maintenance of record	Action taken against the Officer responsible for lapse

*Delete whichever is not applicable.

Statement No. 5

Half-yearly Statement showing particulars of Government servants in whose case pension was not determined within six months of retirement

(To be submitted by the Head of the Department to the Secretary of the Department)

Statement for the half-year ending 30th June/31st December

Name of the Department/Ministry.....

1	2	3	4	5	6	7
Sl. No.	Name of the retiring Government servant	Designation	Date of retirement	Date on which provisional pension authorised	Date on which provisional pension made final	Reason for non-determination of final pension within six months of retirement

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APPENDIX 1

[1]CENTRAL CIVIL SERVICES (COMMUTATION OF PENSION) RULES, 1981

CHAPTER I

PRELIMINARY

1. Short title and commencement

(1) These rules may be called the Central Civil Services (Commutation of Pension) Rules, 1981.

(2) They shall come into force on the 1st July, 1981.

2. Application

These rules shall apply to Government servants who may be entitled to or have been authorised any class of pension referred to in Chapter V of the Central Civil Services (Pension) Rules, 1972.

3. Definitions

(1) In these rules unless the context otherwise requires—

(*a*) "*Accounts Officer*" means an officer, whatsoever his official designation may be, who maintains the accounts of a Ministry, Department or Office of the Central Government or Union Territory and includes an Accountant-General who is entrusted with the functions of keeping the accounts or part of the accounts of the Central Government or Union Territory;

(*b*) "*Applicant*" means a Government servant, including a retired Government servant, who applies for commutation of a fraction of pension in the prescribed form;

(*c*) "*Chief Administrative Medical Authority*" means the medical authority of the State or the Union Territory as specified in the Annexure appended to these rules;

(*d*) "*Death-cum-retirement gratuity*" means the gratuity payable under sub-rule (1) of Rule 50 of the Pension Rules;

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1. Published *vide* G.I., Dept. of Personnel & A.R., Notification No. 6 (4)-Pen. (A)/79, dated the 23rd March, 1981 and published as S.O. No. 1134 in Part II, Section 3, sub-section (*ii*) of the Gazette of India, dated the 11th April, 1981 and as amended by Notification No. 34/1/81-Pension Unit, dated the 8th July, 1983.

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(*e*) "*Disbursing authority*" means—

(*i*) branch of a nationalised bank, or;

(*ii*) treasury including sub-treasury, or

(*iii*) Accounts Officer,

from where the applicant is receiving pension authorised under the Pension Rules;

(*f*) "*Form*" means a Form appended to these rules;

(*g*) "*Government*" means the Central Government;

(*h*) "*Head of Office*" means a Gazetted Officer referred to in clause (*l*) of sub-rule (1) of Rule 3 of the Pension Rules;

(*i*) "*Medical authority*" means medical authority referred to in Rule 22;

(*j*) "*Pension*" means any class of pension including compassionate allowance referred to in Chapter V of the Pension Rules but does not include extra pension and the amount, by whatever name called, granted by the Government to a pensioner as a compensation for higher cost of living;

(*k*) "*Pension Rules*" means the Central Civil Services (Pension) Rules, 1972;

(*l*) "*Provisional Pension*" means the pension referred to in Rule 64 or Rule 69 of the Pension Rules, as the case may be;

(*m*) "*Table*" means a table appended to these rules.

(2) The words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Pension Rules.

CHAPTER II

GENERAL CONDITIONS

4. Restriction on commutation of pension

No Government servant against whom departmental or judicial proceedings as referred to in Rule 9 of the Pension Rules, have been instituted before the date of his retirement, or the pensioner against whom such proceedings are instituted after the date of his retirement, shall be eligible to commute a fraction of his provisional pension authorised under Rule 69 of the Pension Rules or the pension, as the case may be, during the pendency of such proceedings.

5. Limit on commutation of pension

(1) A Government servant shall be entitled to commute for a lump sum payment a fraction not exceeding one-third of his pension.

(2) In an application for commutation in Form 1 or Form 1-A or Form 2, as the case may be, an applicant shall indicate the fraction of

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pension which he desires to commute and may either indicate the maximum limit of one-third of pension or such lower limit as he may desire to commute.

(3) If fraction of pension to be commuted results in fraction of rupee, such fraction of a rupee shall be ignored for the purpose of commutation.

GOVERNMENT OF INDIA'S DECISIONS

(1) Permissible limit of commutation when part of pension is withheld.—Under the Commutation Rules, a pensioner can commute one-third of the pension that has been granted under the rules. When a part of pension is withheld or withdrawn under Article 351, CSR [Rule 8, CCS (Pension) Rules, 1972], the residual amount is the amount that has been granted under the rules from the date of withholding or withdrawal of a part of the pension. As such, if commutation is applied for after this date, the admissible amount that can be commuted will have to be calculated with reference to the pension payable to the person after that date. Commutation rules do not state that the commutable amount is to be calculated with reference to the pension originally granted to the person.

[Auditor-General's U.O. No. 610-A-1/152-60, dated the 9th August, 1960, in File No. F. 12 (10)-E. V/60.]

(2) Commutation on invalid pension allowed only on original amount before enhancement.—According to clause (*c*) of sub-rule (1) of Rule 49 of CCS (Pension) Rules, the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (2) of Rule 54 ibid. It is clarified that where the amount of invalid pension calculated with reference to the qualifying service and the average emoluments is less than the family pension determined under sub-rule (2) of Rule 54, the invalid pension should be enhanced to the level of family pension. For the purpose of commutation of pension, the amount of original invalid pension will only be taken into account.

[G.I., M.F., O.M. No. F. 19 (38), E.V. (A)/76, dated the 20th January, 1977.]

(3) Personal pension not taken into account for commutation.—It may be clarified that the amount of personal pension (sanctioned in the case of those retiring on or after 31-3-1985 but before 1-1-1986) will not be taken into account for the purpose of determining the commuted value of pension and relief on pension.

[G.I., Min. of Per. & Trg., O.M. No. 27/5/84-Pension Unit, dated the 21st June, 1985.]

(4) Commutation to be allowed on the minimum pension of Rs. 375 if the actual pension is less than Rs. 375.—Prior to 1-1-1986, minimum pension of Rs. 60 per month was admissible to a Central Government employee. Where the actual pension so worked out amounted to less than Rs. 60, the pension for commutation purposes was reckoned as Rs. 60 per month. If this be so, the minimum pension in the case of the particular official whose pension comes to Rs. 280 per month has to be granted

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minimum Rs. 375 per month and commutation of pension worked out accordingly.

[G.I., Dept. of P. & P.W., O.M. No. 4/1/88-P. & P.W. (D), dated the 15th December, 1988, addressed to the Dept. of Posts, New Delhi.]

6. Commutation of pension to become absolute

(1) The commutation of pension shall become absolute in the case of an applicant referred to—

(*i*) in sub-rule (1) of Rule 13, on the date on which the application in Form 1 is received by the Head of Office;

(*i-a*) in sub-rule (3) of Rule 13, on the date following the date of his retirement;

(*ii*) in Chapter IV, on the date on which the medical authority signs the medical report in Part III of Form 4;

Provided that—

(*a*) in the case of an applicant who is drawing his pension from a treasury or Accounts Officer, the reduction in the amount of pension on account of commutation shall be operative from the date of receipt of the commuted value of pension or at the end of three months after issue of authority by the Accounts Officer for the payment of commuted value of pension, whichever is earlier, and

(*b*) in the case of an applicant who is drawing pension from a branch of a nationalised bank, the reduction in the amount of pension on account of commutation shall be operative from the date on which the commuted value of pension is credited by the bank to the applicant's account to which pension is being credited.

[1][(*c*) in the case of an applicant governed by sub-rule (3) of Rule 13 in whose case the commuted value of pension becomes payable on the day following the date of his retirement, the reduction in the amount of pension on account of commutation shall be operative from its inception. Where, however, payment of commuted value of pension could not be made within the first month after the date of retirement, the difference of monthly pension for the period between the day following the date of retirement and the date preceding the date on which the commuted value of pension is deemed to have been paid in terms of Rule 49 of the Central Government Accounts

Any payment of commutation of pension under the Commutation Rules of the Central Government is not included in the Total Income as per Section 10 (10-A) (*i*) of the Income Tax Act, 1961.

1. Inserted by G.I., Dept. of P. & P.W., Notification No. 34/6/84-Pension Unit, dated the 1st May, 1985 and published as S.O. No. 2097 in the Gazette of India, dated the 18th May, 1985.

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(Receipts and Payments) Rules, 1983, shall be authorised by the Accounts Officer.]

(2) In the case of an applicant referred to in Rule 9 or Rule 10, the commuted value is paid in two stages. The reduction in the amount of pension shall be made from the respective dates of the payments as laid down in clause (*a*) or clause (*b*) of the Proviso to sub-rule (1).

(3) The date on which the payment of the commuted value of pension was made to the applicant or the commuted value was credited to the applicant's account shall be entered in both halves of the Pension Payment Order by the disbursing authority under intimation to the Accounts Officer who authorised the payment of commuted value of pension.

GOVERNMENT OF INDIA'S DECISION

(1) Commuted value of pension, based on the age next birthday with reference to date of medical examination in the case of absorption.—As per provision contained in Rule 6 (I) (*ii*) of CCS (Commutation of Pension) Rules, 1981, the commutation of pension becomes absolute in the case of absorption, on the date on which the medical authority signs the medical report in Part III of Form 4. In this process there may be a fall in the commuted value of pension due to age being up from say 46 years (at the time of resignation) to 47 years (with reference to date of medical examination). The individual concerned may thus suffer some financial loss on account of this.

A doubt was, however, raised by one of the field offices as to how the *pro rata* gratuity and lump sum amount in lieu of pension would be worked out with reference to the commutation tables applicable on the date of resignation in such cases.

The matter was referred to the Government of India, Ministry of Personnel, Public Grievance and Pensions (Department of Pension and Pensioners' Welfare), for clarification.

The Ministry have now clarified that the commuted value of pension is required to be calculated taking into account the date of medical examination, the age next birthday with reference to the date of medical examination and the factor applicable to such Government servant also with reference to age next birthday after the medical examination.

[C & AG of India, New Delhi, Lr. No. 707-Audit.I/20-90 (KW) (142), dated the 23rd October, 1990.]

7. [1][**Nominations**

(1) An applicant shall make a nomination in Form 5 along with the application referred to in Rule 13 or Rule 19, as the case may be, conferring on one or more persons the right to receive the commuted value of

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 34 (5)/83-Pension Unit, dated the 17th April, 1985 and published as S.O. No. 1870 in the Gazette of India, dated the 4th May, 1985.

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pension in case the applicant dies without receiving the commuted value on or after the date on which commutation became absolute.

(2) If there is no such nomination, or if the nomination made does not subsist, the commuted value shall be paid to the family in the manner indicated in sub-rule (1) (*b*) of Rule 51 of the Pension Rules.

(3) If in any case the commuted value cannot be paid in the manner indicated in sub-rules (1) and (2), the same shall be paid to his heirs.]

8. Calculation of commuted value of pension

The lump sum payable to an applicant shall be calculated in accordance with the Table of the values prescribed from time to time and applicable to the applicant on the date on which the commutation becomes absolute.

GOVERNMENT OF INDIA'S DECISION

(1) Commuted value of pension to be rounded off to the next higher rupee.—With a view to simplify the procedure for payment of death/retirement gratuity and the commuted value of pension, it has been decided that the amount of death/retirement gratuity and commuted value of pension as finally calculated should be rounded off to the next higher rupee.

[G.I., Dept. of P. & P.W., O.M. No. 7 (12)/85-P. & P.W., dated the 12th December, 1985.]

9. Commutation of provisional pension

(1) A Government servant to whom, pending assessment of final pension, provisional pension has been sanctioned under Rule 64 of the Pension Rules, shall be eligible to commute a fraction of such provisional pension subject to the limit specified in Rule 5.

(2) For the purpose of commutation of provisional pension, the provisions of Chapter III or Chapter IV, as the case may be, shall apply.

(3) The provisions of this sub-rule shall apply to an applicant who for the purpose of commutation of provisional pension is governed by Chapter IV of these rules:—

(*i*) Where an applicant desires to commute a fraction of his provisional pension which works out to be not exceeding one hundred rupees per mensem and in whose case it is expected that the amount which he would be entitled to commute when the final amount of pension has been authorised would exceed one hundred rupees per mensem, his application shall be deemed, for the purpose of Rule 22, to be for commutation of amount exceeding one hundred rupees per mensem.

(*ii*) (*a*) Where the applicant does not indicate the possibility of his entitlement to commutation of pension exceeding one hundred rupees per mensem on the determination of final

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pension due to him, he shall be treated as having applied for commutation of pension not exceeding one hundred rupees per mensem.

(*b*) If on the determination of final pension, the applicant becomes entitled to commute his pension up to one hundred rupees per mensem, he shall not be required to undergo medical examination for payment to him of the difference between the commuted value of the pension originally commuted and the pension commuted subsequently.

(*c*) If on the determination of final pension, the applicant becomes entitled to commute a sum exceeding one hundred rupees, he shall, for commutation of pension exceeding rupees one hundred, be required to apply afresh in Form 2.

10. Retrospective revision of final pension

An applicant who has commuted a fraction of his final pension and after commutation his pension has been revised and enhanced retrospectively as a result of Government's decision, the applicant shall be paid the difference between the commuted value determined with reference to enhanced pension and the commuted value already authorised. For the paynent of difference the applicant shall not be required to apply afresh:

Provided that in the case of an applicant who has commuted a fractionof his original pension not exceeding rupees one hundred after being declared fit by a Civil Surgeon or a District Medical Officer and as a result of retrospective enhancement of pension, he becomes eligible to commute an amount exceeding one hundred rupees per mensem, he shall be allowed the difference between the commuted value of one hundred rupees per mensem and the commuted value of the fraction of the original pension without further medical examination. The commutation of any further amount beyond rupees one hundred per mensem shall be treated as fresh commutation and allowed subject to examination by a Medical Board.

GOVERNMENT OF INDIA'S DECISIONS

(1) Effective date of reduced pension on account of upward revision of commutation.—A point has been raised in regard to the date from which reduction in pension on account of the upward revision of commutation of pension would be effective. Rule 6 provides that reduction in the amount of pension on account of commutation shall become operative from the date of receipt of commuted value of pension by the pensioner or three months after the date of the issue of the authority asking the pensioner to collect the commuted value of pension by the Accounts Officer, whichever is earlier. Accordingly, in such cases the reduction from pension will be made from the date of receipt of the revised commutation value of pension by the pensioner or three months after the issue of the authority

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by the Accounts Officer asking the pensioner to collect the revised commuted value of pension, whichever is earlier.

[G.I., Dept. of Personnel & A.R., O.M. No. F. 34 (3)-PU/80, dated the 10th July, 1980.]

(2) Commuted portion of pension will be restored after fifteen years from the date of retirement.—1. Under the Civil Pensions (Commutation) Rules, 1925, later codified as Central Civil Services (Commutation of Pension) Rules, 1981 and corresponding rules applicable to the Armed Forces Personnel (including officers), All India Service Officers and Railway Pensioners, etc., the pensioners are allowed the optional facility of converting a portion of their pension into a lump sum amount. At present the pensioner receives only the balance amount (full pension minus the commuted portion) for the rest of his life.

2. It has been held by the Supreme Court of India in its judgment, dated the 9th December, 1986, in Writ Petition No. 3958-61 of 1983 that all Central Government pensioners governed by Central Civil Services (Commutation of Pension) Rules, 1981 and corresponding rules for Armed Forces personnel and officers, All India Service Officers and Railway Pensioners and who have commuted the admissible portion of their pension are entitled to have the commuted portion restored on the expiry of fifteen years from the date of retirement.

3. The question regarding implementation of the Supreme Court judgment has been under consideration of the Government. After careful examination of the above judgment, it has been decided that only such Central Government pensioners who have commuted a portion of their pension and on 1-4-1985 or thereafter have completed or will complete fifteen years from their respective dates of retirement* will have their commuted portion of pension restored.

4. Central Government employees who got themselves absorbed under Central Public Sector Undertakings/autonomous bodies and have received or opted to receive commuted value for ⅓rd of pension as well as terminal benefits equal to the commuted value of the balance amount of pension left after commuting ⅓rd of pension are not entitled to any benefit under these orders as they have ceased to be Central Government pensioners.

5. Each pensioner who is eligible as in paragraph 3 above is required to apply in the enclosed prescribed form [*See* after Form 5 in this Appendix] duly completed, to the Pension Disbursing Authority/Bank/Post Office who will restore the commuted portion of pension if the commuted amount has been mentioned in the Pension Payment Order and will also pay the arrears, if any.

5.1 In cases where the pensioner had completed fifteen years from the date of retirement* on 1-4-1985 or thereafter and had died subsequently

*This Decision holds good only in cases where commuted value is paid during the first month of retirement. In other cases the period of 15 years is to be reckoned from the date of commutation. — Please *see* Decision (3).

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his/her legal heir(s) is/are also entitled to receive arrears with effect from 1-4-1985 (or from the date of completion of fifteen years from the date of retirement whichever is later), till the date of the pensioner's death. For this purpose, legal heir(s) may also apply to the Pension Disbursing Authority, etc.

5.2 In cases where the PPO does not contain information regarding commuted portion, Pension Disbursing Offices will obtain information from Accounts Offices which issued the Pension Payment Order.

5.3 The pension disbursing authorities/Banks/Post Offices, etc., will intimate to the Accounts Office which had issued the Pension Payment Order the full particulars of each pension case along with the amount of pension restored for verifying the correctness.

[G.I., Dept. of P. & P.W., O.M. No. 34/2/86-P. & P.W., dated the 5th March, 1987.]

Clarifications.—1. The above OM, dated 5-3-1987, is applicable to all categories of pensioners as indicated in para. 2 thereof and no separate orders will be issued in the case of All India Service Officers.

2. The OM is applicable to all pensioners irrespective of their date of retirement provided they have commuted a portion of pension and have completed/will complete fifteen years of retirement* before, on or after 1-4-1985, i.e., the date from which restoration has been allowed.

3. Date from which commuted pension is to be restored where period of fifteen years of retirement* is already over before 1-4-1985, will be 1-4-1985.

4. Date from which commuted pension will be restored where fifteen years' period after retirement* is over on or after 31-3-1985, will be 1-4-1985 or thereafter as and when due after completion of fifteen years from the respective date(s) of retirement*.

[G.I., Dept. of P. & P.W., O.M. No. 34/2/86-P. & P.W., dated the 23rd June, 1987.]

(3) How to reckon the period of fifteen years for restoration of commuted portion of pension.—1. Decision (2) above provides that such Central Government pensioners who have commuted a portion of their pension and on 1-4-1985 or thereafter have completed or will complete 15 years from their respective dates of retirement will have their commuted portion of pension restored. This is based on the assumption that the reduction in pension on account of commutation which takes place only after the payment of the lump sum commuted amount, may be discontinued after the commuted amount paid in lump sum together with notional interest on the amount got, by and large, fully adjusted by that portion of pension which was not actually paid monthly in view of commutation. It is, therefore, not correct to reckon the 15-year period for restoration from the date of retirement, except in cases where commutation of pension has been simultaneous with retirement.

*See Footnote in previous page.

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2. It has also come to the notice of the Government that with the intention of getting an unintended advantage some pensioners who have not commuted so far have now sought commutation. Some of these pensioners are in the 15th year of their retirement. If, in their case, the 15-year period prescribed for restoration is reckoned from the date of their retirement, while the commutation entitlement will be paid in full to them, they should suffer reduction in pension only for a few months till the 15-year limit is reached. There are other pensioners who have already crossed the 15-year limit. In their case, application of the 15-year limit from the date of their retirement would mean that there can never be any recovery towards the commuted amount paid to them as the 15-year period had already expired. This is not the correct position.

3. With a view to ensuring that the decision regarding restoration of the commuted portion of pension is uniformly applied in all cases according to its true intendment, it is clarified that the 15-year period for restoration may be reckoned from the date of retirement itself only in cases where commutation of pension was/is simultaneous with retirement. In other words, cases where payment of the commuted value of pension was/is made during the first month of retirement leading to appropriate reduction on account of commutation in the first pension itself will be deemed to be falling in this category. In all other cases, i.e., where commutation of pension led/leads to a reduction in the second or subsequent month, the 15-year period will be reckoned from the date of commutation, i.e., from the date on which reduction in pension on account of commutation became/becomes effective. Where the date of commutation is not readily available in the pension documents in the Pension Disbursing Offices (PDO), e.g., PPO, etc., the PDO will obtain this information from the Accounts Office which issued the PPO before restoring the commuted portion of pension.

4. Cases already settled otherwise than in accordance with the clarification contained in this Decision need not be reopened.

[G.I., Dept. of Pen. & Pen. Welfare, O.M., No. 34/2/86-P. & P.W. (G), dated the 22nd August, 1990.]

CHAPTER III

COMMUTATION OF PENSION WITHOUT MEDICAL EXAMINATION

11. Scope

The provisions of this Chapter shall apply to an applicant who is eligible to commute a fraction of his pension without medical examination.

12. Eligibility

An applicant who is authorised—

(*i*) a superannuation pension under Rule 35 of the Pension Rules; or

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(*ii*) a retiring pension under Rule 36 of the Pension Rules; or

(*iii*) a pension on absorption in or under a corporation or company or body in terms of Rule 37 of the Pension Rules and who elects to receive monthly pension and death-cum-retirement gratuity; or

(*iv*) a compensation pension on abolition of permanent post under Rule 39 of the Pension Rules; or

(*v*) a pension in whole or in part on the finalisation of the departmental or judicial proceedings referred to in Rule 9 of the Pension Rules and issue of final orders thereon,

shall, subject to the limit in Rule 5, be eligible to commute a fraction of his pension without medical examination:

Provided that he applies for commutation of pension in Form 1 or Form 1-A in accordance with the provisions of Rule 13.

NOTE.—Pension referred to in clause (*i*), clause (*ii*) and clause (*iv*) shall include the provisional pension sanctioned under Rule 64 of the Pension Rules.

13. Application for commutation of pension

(1) An applicant, who is in receipt of any pension referred to in Rule 12 and desires to commute a fraction of that pension any time after the date following the date of his retirement from service but before the expiry of one year from the date of retirement, shall—

(*a*) apply to the Head of Office in Form 1 after the date of his retirement;

(*b*) ensure that the application in Form 1, duly completed, is delivered to the Head of Office as early as possible but not later than one year of the date of his retirement:

Provided that in the case of an applicant—

(*a*) referred to in clause (*iii*) of Rule 12, where order retiring him from Government service had been issued from a retrospective date, the period of one year referred to in this sub-rule shall reckon from the date of issue of the retirement orders;

(*b*) referred to in clause (*v*) of Rule 12, the period of one year referred to in this sub-rule shall reckon from the date of the issue of the orders consequent on the finalisation of the departmental or judicial proceedings.

(2) An applicant who applies for commutation of pension within one year of the date of his retirement but his application in Form 1 is received by the Head of Office after one year of the date of his retirement, shall not be eligible to get his pension commuted, without medical examination. Such an applicant, if he desires to commute a fraction of his pension,

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shall apply afresh in Form 2 in accordance with the procedure laid down in Chapter IV.

(3) A Government servant who is due to retire on superannuation and desires payment of the commuted value of pension being authorised at the time of issue of the pension payment order, shall be eligible to apply for commutation of a fraction of pension along with pension papers prior to the date of retirement provided that—

(*a*) the Government servant retires on superannuation pension only;

(*b*) the application is submitted to the Head of Office in Form 1-A, so as to reach the Head of Office not later than three months before the date of superannuation;

(*c*) no such application shall be entertained if the period is less than three months from the date of superannuation of the Government servant; and

(*d*) the Government shall have no liability for the payment of the commuted value of pension if the Government servant dies before the date of superannuation or forfeits claim to pension before such retirement.

GOVERNMENT OF INDIA'S DECISION

(1) Form 1-A to be entertained up to the date of retirement and commutation paid through Head of Office.—As per Rule 13 (3) (*b*) and (*c*) of CCS (Commutation of Pension) Rules, 1981, official retiring on superannuation is required to submit an application in Form 1-A so as to reach the Head of the Office not later than three months before the date of superannuation so that the authority for payment of commuted portion of pension is issued along with the PPO, etc. It further provides that no such application shall be entertained if the period is less than three months from the date of superannuation of the Government servant. This matter has been considered by the Government and it has been decided that in case an application for commutation of pension is received late, it should not be rejected on the ground of delay. In such cases, if possible, the Accounts Officer should issue authority for payment of commuted value along with the Pension Payment Order, otherwise authority for payment of commuted value should be issued as soon as possible after the issue of the Pension Payment Order. In any case, if application for commutation of pension is received by the Head of Office on or before the date of retirement of the Government servant, commutation of pension shall become absolute on the date following the date of retirement.

[G.I., Dept. of P. & P.W., O.M. No. 34/3/86-P. & P.W., dated the 30th May, 1986.]

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14. Action to be taken by the Head of Office on application for commutation of pension

(1) The Head of Office on receipt of application in Form 1 under sub-rule (1) or in Form 1-A of sub-rule (3) of Rule 13, shall—

(*a*) initial the Form indicating the date of its receipt;

(*b*) acknowledge immediately the receipt of Form 1 or Form 1-A in Part II of that Form and despatch the same to the applicant;

(*c*) take immediate action to complete Part III of Form 1 or Form 1-A and forward the same to the Accounts Officer after retaining one copy for his record.

(2) In case application in Form 1 is received by the Head of Office under sub-rule (1) of Rule 13 after one year of the date of retirement of the applicant, the Head of Office shall inform the applicant that—

(*a*) he shall not be eligible to commute a fraction of pension without medical examination;

(*b*) if he desires to get a fraction of the pension commuted, he should apply afresh in Form 2 so that arrangements for medical examination are made in accordance with the procedure laid down in Chapter IV.

15. Authorisation of commuted value by the Accounts Officer

(1) The Accounts Officer on receipt of Form 1 from the Head of Office shall verify that—

(*a*) information furnished by the Head of Office in Part III of Form 1 is correct;

(*b*) the applicant is eligible to commute a fraction of his pension without medical examination;

(*c*) the commuted value of pension has been determined correctly by the Head of Office.

(2) The Accounts Officer after necessary verification of the information furnished in Form 1 shall—

(*a*) issue authority for the payment of commuted value of pension to the disbursing authority concerned;

(*b*) draw the attention of the disbursing authority concerned to the proviso to sub-rule (1) of Rule 6 so that the disbursing authority may make entry in the Pension Payment Order regarding the date on which the amount of pension is to be reduced on account of commuted part of pension;

(*c*) endorse to the applicant a copy of the authority referred to in clause (*a*) with the instruction that he should collect the commuted value of pension from the disbursing authority.

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(3) (*a*) The Accounts Officer, on receipt of Form 1-A from the Head of Office, shall ascertain and verify if the amount of superannuation pension of the applicant has been calculated and if not, take steps to finalise the amount of pension so that the Pension Payment Order is issued before one month of the date of retirement of the applicant.

[1][(*b*) (*i*) The Accounts Officer after necessary verification of the information furnished in Form 1-A shall—

(A) authorise the Head of Office to draw the amount of commuted value of pension on submission of a bill to him and hand over the cheque/draft superscribed Not payable before the.....(date following the date of retirement) to the pensioner;

(B) indicate in both the halves of the Pension Payment Order (1) the gross pension; (2) the amount of pension commuted; and (3) the fact that the commuted value of pension has been authorised separately through the Drawing and Disbursing Officer;

(C) correspondingly reduce the monthly pension from its inception;

(D) make a note of payment of the commuted value of pension having been made to the retiring Government servant in his Service Book; and

(E) where the payment of commuted value of pension has not been made within the first month after the date of retirement and the delay is not attributable to the pensioner, the Accounts Officer shall issue an authority to the Head of Office for the payment of the difference of monthly pension for the period between the day following the date of retirement and the date preceding the date on which the Commuted Value of pension is deemed to have been paid in terms of Rule 49 of the Central Government Accounts (Receipts and Payments) Rules, 1983.

(*ii*) The Accounts Officer shall intimate to the applicant the date on which the Pension Payment Order has been despatched to the disbursing authority.

(*iii*) The Accounts Officer shall also request the Head of Office to intimate the date on which the cheque/draft of the commuted value of the pension has been handed over to the applicant.]

1. Substituted by G.I., Dept. of P. & P.W., Notification No. 34/6/84-Pension Unit, dated the 1st May, 1985 and published as S.O. No. 2097 in the Gazette of India, dated the 18th May, 1985.

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16. Authorisation of the commuted value of a fraction of provisional pension

(1) If pending determination of final pension, the Head of Office has sanctioned provisional pension to a Government servant under Rule 64 of the Pension Rules and such a Government servant has applied for commutation of provisional pension in Form 1 in accordance with the provisions of Rule 9, the Head of Office on receipt of Form 1 shall—

(*a*) take action as provided in sub-rule (1) of Rule 14 and forward Form 1 to the Accounts Officer along with the duly completed pension papers referred to in Rule 61 of the Pension Rules, in case pension papers have not already been forwarded to the Accounts Officer;

(*b*) request the Accounts Officer to verify the correctness of the amount of provisional pension and the amount of the commuted value of the fraction of the provisional pension as determined in Part III of Form 1.

(2) The Accounts Officer on receipt of Form 1 under sub-rule (1), shall verify the correctness of the amount of provisional pension and make further verification as provided in sub-rule (1) of Rule 15.

(3) The Accounts Officer after necessary verification of the amount of the provisional pension and the amount of the commuted value shall—

(*a*) issue authority for the payment of commuted value of pension to the Head of Office with the remarks that the commuted value may be drawn and disbursed to the applicant under intimation to him;

(*b*) draw the attention of the Head of Office to the proviso to sub-rule (1) of Rule 6 so that the Head of Office may make reduction in the amount of provisional pension on account of commutation accordingly; and

(*c*) endorse to the applicant a copy of the authority referred to in clause (*a*) with the instructions that he should pursue the matter with the Head of Office.

(4) The Head of Office on receipt of authority from the Accounts Officer under sub-rule (3), shall draw the amount of commuted value of pension and disburse the same to the applicant under intimation to the Accounts Officer.

(5) The Accounts Officer shall on final assessment of pension—

(*a*) issue authority to the disbursing authority for the payment of the difference between the commuted value so determined and the commuted value already paid by the Head of Office,

(*b*) make entry in the Pension Payment Order to be issued on the cessation of the payment of the provisional pension by the

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Head of Office, the fact of the payment of the commuted value of provisional pension by the Head of Office and also indicate the date from which the payment of the residuary pension shall commence.

CHAPTER IV

COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION

17. Scope

The provisions of this Chapter shall apply to an applicant who is eligible to commute fraction of his pension after medical examination.

18. Eligibility

An applicant who—

(*i*) retires on invalid pension under Rule 38 of the Pension Rules; or

(*ii*) on absorption in or under a corporation or company or body corporate or incorporate elects the alternative of receiving the death-cum-retirement gratuity and a lump sum in lieu of pension in terms of Rule 37 of the Pension Rules; or

(*iii*) is compulsorily retired from service as penalty and is granted pension under Rule 40 of the Pension Rules; or

(*iv*) is in receipt of compassionate allowance under Rule 41 of the Pension Rules; or

(*v*) has retired from service on one of the pensions referred to in Rule 12 but his application for commutation has not been received by the Head of Office within one year of his retirement,

shall be eligible to commute a fraction of his pension subject to the limit specified in Rule 5 after he has been declared fit by the appropriate medical authority.

19. Application for commutation of pension

An applicant referred to in Rule 18 shall apply to the Head of Office in Form 2 for commutation of a fraction of his pension including provisional pension sanctioned under Rule 64 of the Pension Rules.

20. Action to be taken by the Head of Office on application for commutation of pension

(1) The Head of Office on receipt of application in Part I of Form 2 under Rule 19 shall—

(*a*) acknowledge immediately the receipt of Form 2 in Part II of that Form and despatch the same to the applicant;

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(*b*) forward Form 2 in original to the Accounts Officer in Part III of that Form with the request that Part IV of that Form may be completed immediately and returned to him as early as possible so that action for getting the applicant examined by the appropriate medical authority is taken.

(2) The Accounts Officer on receipt of Form 2 from the Head of Office under sub-rule (1) shall complete Part IV of that Form and transmit the same to the Head of Office as early as possible.

(3) The Head of Office on receipt of Form 2 from the Accounts Officer under sub-rule (2) shall address in Form 3 the Chief Administrative Medical Authority of the State or Union Territory as specified in the Annexure where the applicant desires to be medically examined and forward to him the following documents:—

(*i*) Form 2 with Part IV of that Form duly completed in original;

(*ii*) two copies of the applicant's photograph of which one shall be an attested copy;

(*iii*) a copy of Form 4 with a spare copy of Part III of that Form;

(*iv*) report or statement of the applicant's case if he has been granted invalid pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to his actual age or has been refused commutation on medical grounds.

(4) A copy of letter in Form 3 addressed to the Chief Administrative Medical Authority shall be endorsed to the applicant and the Accounts Officer by the Head of Office.

21. Action to be taken by the Chief Administrative Medical Authority

(1) The Chief Administrative Medical Authority on receipt of documents referred to in sub-rule (3) of Rule 20 shall—

(*a*) arrange as far as possible for the medical examination of the applicant by the medical authority at the nearest available station indicated by the applicant in Form 2;

(*b*) transmit the documents referred to in sub-rule (3) of Rule 20 to the medical authority with the direction to examine the applicant as provided in Rule 25;

(*c*) inform the applicant as to where and when he should appear for medical examination or if necessary direct the medical authority to communicate to the applicant the date and time of such examination.

(2) In fixing the date of medical examination, it shall be ensured that the medical examination is held, as far as possible, before the date of applicant's next birthday.

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22. Medical Authority

(1) Save as otherwise provided in sub-rule (2), the medical authority shall be a Medical Board, where an applicant for commutation of pension—

(*a*) seeks commutation of invalid pension, or

(*b*) seeks commutation of pension other than invalid pension but the amount of pension to be commuted together with the amount or amounts previously commuted exceeds one hundred rupees per mensem, or

(*c*) has been refused commutation on medical grounds or if he having once declined to accept commutation on the basis of addition of years to his actual age recommended by the medical authority, applied for a second medical examination in accordance with the provisions of Rule 26 and Rule 27.

(2) In any other cases not covered by sub-rule (1), the medical authority shall be a Medical Officer not lower in status than that of a Civil Surgeon or a District Medical Officer.

23. Fee for medical examination to be borne by the applicant

The applicant shall be required to pay for medical examination such fee as may be specified by the Central Government.

24. Failure to appear before medical authority

(1) If the applicant after receipt of communication from the Chief Administrative Medical Authority or the medical authority referred to in clause (*c*) of sub-rule (1) of Rule 21 fails to appear for medical examination before the medical authority on the date and time communicated to him (including any change therein either at the request of the applicant or due to administrative reasons) and there is no reasonable ground for his failure, the medical authority shall report the fact to the Head of Office concerned and return to him the documents received under clause (*b*) of sub-rule (1) of Rule 21.

(2) With the return of documents to the Head of Office under sub-rule (1), the application for commutation shall be treated as having been withdrawn.

25. Procedure for Medical Examination

(1) The medical authority shall—

(*a*) obtain from the applicant a statement in Part I of Form 4, duly signed by the applicant in its presence;

(*b*) subject the applicant to medical examination and enter the result thereof in Part II of Form 4;

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(*c*) attest the unattested copy of the photograph of the applicant;

(*d*) complete the certificate contained in Part III of Form 4:

Provided that where—

(*i*) an applicant has been granted invalid pension, or

(*ii*) an applicant has previously commuted a part of his pension, or

(*iii*) an applicant has been refused commutation on medical grounds, or

(*iv*) an applicant had declined to accept the commutation on the basis of addition of years to his actual age,

the medical authority shall, before completing the certificate contained in Part III of Form 4, take into consideration the statement of the medical case of the applicant.

(2) After complying with the requirements of sub-rule (1), the medical authority shall without delay forward to the Accounts Officer who has already completed Part IV of Form 2, the following documents, namely:—

(*a*) Form 2 in original,

(*b*) attested copy of the applicant's photograph.

(*c*) Form 4 in original, and

(*d*) a certified copy of Form 4 to the Head of Office who has countersigned Part IV of Form 2.

(3) The medical authority shall also send to the applicant a certified copy of Part III of Form 4.

26. Second Medical Examination

(1) Subject to the provisions of Rule 27, the medical examination in the case of an applicant referred to in clause (*c*) of sub-rule (1) of Rule 22 shall take place after the expiry of a period of not less than one year from the date of the first medical examination.

(2) If the applicant desires to be re-examined on the expiry of the period specified in sub-rule (1), the examination shall be by a Medical Board at his own expense. For this purpose, he shall address a letter to the Head of Office with the request that arrangements for his re-examination by a Medical Board may be made. He shall indicate in the letter—

(*i*) the medical authority which examined him earlier, and the date on which such examination took place,

(*ii*) the place where he was examined,

(*iii*) the opinion of the medical authority,

(*iv*) the date of birth and the date of retirement,

(*v*) designation of the post held at the time of retirement,

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(*vi*) the amount of pension authorised,

(*vii*) the fraction of pension which was originally applied for commutation.

(3) The Head of Office on receipt of letter under sub-rule (2) shall address the Chief Administrative Medical Authority for arranging re-examination of the applicant by a Medical Board and forward the following documents to such authority:—

(*i*) letter in original received from the applicant,

(*ii*) the certified copy of Form 4 received earlier by the Head of Office from the medical authority under clause (*d*) of sub-rule (2) of Rule 25.

(4) The Chief Administrative Authority on receipt of the communication from the Head of Office under sub-rule (3) shall inform the applicant as to where and when he should appear for medical examination before the Medical Board or if necessary direct the Medical Board to communicate to the applicant the place, date and time of such examination.

(5) The applicant after the receipt of communication under sub-rule (4) shall appear before the Medical Board at the place and on the date and time communicated to him.

(6) The Medical Board shall examine the applicant and if after the examination it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revision or modification shall record its opinion and communicate the same to the Head of Office under intimation to the applicant. The documents received by the Medical Board under sub-rule (3) shall also be returned to the Head of Office.

(7) If as a result of the opinion of the Medical Board received by the Head of Office under sub-rule (6), the applicant becomes eligible to commute a fraction of pension originally applied for, the Head of Office shall determine the commuted value with reference to the Table applicable on the date, the Medical Board recorded its opinion. The Head of Office thereafter shall request the Accounts Officer to take further action for the authorisation of the commuted value and forward the following documents to him:—

(*i*) letter in original received from the applicant under sub-rule (2),

(*ii*) the opinion of the Medical Board received under sub-rule (6) in original,

(*iii*) calculation sheet showing the commuted value determined with reference to the revised or modified opinion of the Medical Board.

(8) The Accounts Officer on receipt of the documents under sub-rule (7) shall verify the correctness of the commuted value determined by the Head of Office and thereafter take action to authorise the commuted value to the applicant under intimation to the Head of Office.

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27. Appeal against the findings of medical authority

(1) Notwithstanding anything contained in Rule 26, an applicant referred to in clause (*c*) of sub-rule (1) of Rule 22 shall be eligible for second medical examination before the expiry of the period specified in sub-rule (1) of Rule 26, if he feels that the medical authority in refusing commutation on medical grounds or making addition of years to his actual age has committed an error of judgement. Such an applicant may, within one month of the receipt of the certified copy of Part III of Form 4, from the medical authority, prefer an appeal by addressing a letter to the Head of Office that the opinion of the medical authority may be got reviewed by another medical authority mentioned in sub-rule (2) at his own expenses. He shall also indicate in the letter—

(*i*) the medical authority which had examined him earlier and the date on which the examination took place,

(*ii*) the place where he was examined,

(*iii*) the opinion of the medical authority,

(*iv*) the date of birth and the date of retirement,

(*v*) designation of the post held at the time of retirement,

(*vi*) the amount of pension authorised,

(*vii*) the fraction of pension which was originally applied for commutation.

(2) In case an applicant referred to in sub-rule (1)—

(*i*) was examined previously by a Medical Officer, not lower in status than a Civil Surgeon or a District Medical Officer, he shall be re-examined by a Medical Board, or

(*ii*) was previously examined by a Medical Board, he shall be re-examined by a second Medical Board, the members of which shall be different from those of the first Medical Board.

(3) The Head of Office shall, within one month of the receipt of letter under sub-rule (1), take steps for arranging the re-examination of the applicant. For this purpose, he shall address the Chief Administrative Medical Authority, where the applicant was examined previously. He shall, while addressing the Chief Administrative Medical Authority, invite his attention to the provisions of sub-rule (2) and forward to it the following documents:—

(*i*) letter received from the applicant in original,

(*ii*) certified copy of Form 4 received earlier by the Head of Office from the Medical authority under clause (*d*) of sub-rule (2) of Rule 25.

(4) The Chief Administrative Medical Authority on receipt of communication from the Head of Office under sub-rule (3) shall arrange for the second medical examination of the applicant by a Medical Board which

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shall be constituted in accordance with the provisions of sub-rule (2). The Chief Administrative Medical Authority shall, thereafter, inform the applicant as to where and when he should appear for medical examination before the Medical Board or if necessary direct the Medical Board to communicate to the applicant the place, date and time of such examination.

(5) The applicant on receipt of the communication under sub-rule (4) shall appear for the medical examination before the Medical Board on the date and time, communicated to him.

(6) The Medical Board shall examine the applicant and if after the examination, it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revision or modification shall record its opinion and communicate the same to the Head of Office under intimation to the applicant and the findings of the Medical Board shall be binding on the applicant.

(7) If the Medical Board as a result of the second medical examination of the applicant, sets aside or modifies the opinion of the first medical authority, the finding of the Medical Board shall be deemed to have come into force on the date on which the first medical authority recorded its opinion and the claim of the applicant for commutation shall be settled accordingly.

(8) Nothing contained in this rule shall apply to an applicant in whose case the medical authority as a result of the first medical examination had directed that the applicant's age for the purpose of commutation should be assumed to be greater than his actual age, and the applicant received the commuted value with reference to the enhanced age.

28. Withdrawal of application

(1) The applicant may, after giving notice in writing, to the Head of the Office, withdraw his application at any time before subjecting himself to medical examination before the medical authority but in no case after he has appeared before such authority.

(2) In case the medical authority directs that the applicant's age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may,—

(*a*) by giving notice in writing to the Head of Office withdraw his application within fourteen days from the date on which he receives the certified copy of Part III of Form 4 and endorse a copy of notice to the Accounts Officer, or

(*b*) request the Head of Office within the period specified in clause (*a*) under intimation to the Accounts Officer that he may be permitted to reduce the amount of pension already applied for commutation to an amount to be indicated by the applicant.

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(3) Where a request for withdrawal has not been made by the applicant within the time specified in clause (*a*) of sub-rule (2), it shall be presumed that he has accepted the findings of the medical authority and the Accounts Officer shall take action to authorise the payment of commuted value of pension.

(4) If a request for reduction in the amount of pension to be commuted is made as provided in clause (*b*) of sub-rule (2), the Accounts Officer shall authorise the payment of commuted value of pension with reference to the reduced amount.

(5) If the applicant is informed by the Accounts Officer under Rule 29 that on account of modification of the Table, the commuted value becoming payable to the applicant will be less than the value communicated to him in Form 3, it shall be open to the applicant to withdraw his application by a written notice addressed to the Accounts Officer and the applicant shall endorse a copy of the notice to the Head of Office within fourteen days of the date on which he receives intimation of such modification.

29. Modification in the value specified in the Table

(1) In case the value specified in the Table is modified at any time before the commutation becomes absolute in terms of clause (*ii*) of sub-rule (1) of Rule 6, the payment shall be made in accordance with the value so modified.

(2) Where the commuted value calculated with reference to the Table as modified, is less favourable than the value determined with reference to the Table before it was so modified, the Accounts Officer shall—

(*a*) inform the applicant of the revised value and communicate to him the provisions of sub-rule (5) of Rule 28, and

(*b*) endorse to the Head of Office a copy of the communication issued under clause (*a*).

30. Authorisation of payment of commuted value by the Accounts Officer

(1) Subject to the provisions of sub-rule (2) and sub-rule (3) of Rule 28, the Accounts Officer on receipt of the documents referred to in sub-rule (2) of Rule 25, from the medical authority, shall without delay issue an order to the disbursing authority concerned and furnish to it the following particulars and documents, namely:—

(*i*) the amount of pension commuted, the amount of commuted value of pension and the date on which the commutation became absolute,

(*ii*) the amount of residuary pension,

(*iii*) Form 4 in original,

(*iv*) copy of the applicant's photograph as attested by the medical authority.

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(2) The Accounts Officer shall also—

(*a*) bring to the notice of disbursing authority the provisions of the priviso to sub-rule (1) of Rule 6 regarding the date on which the amount of original pension should be reduced;

(*b*) endorse to the applicant a copy of the order issued under sub-rule (1) with the remarks that he should collect the commuted value from the disbursing authority; and

(*c*) bring to the notice of the applicant the provisions of the proviso to sub-rule (1) of Rule 6.

31. Final assessment of provisional pension

(1) An applicant referred to in sub-rule (3) of Rule 9 to whom the commuted value of the fraction of the provisional pension has been paid by the Head of Office, shall, on final assessment of the pension, be paid by the Accounts Officer, the difference between the commuted value so determined and the commuted value already paid:

Provided that where an applicant has been examined by a Medical Officer for the commutation of a fraction of provisional pension and such an applicant on assessment of final pension becomes eligible to commute an amount exceeding one hundred rupees per mensem, he shall be allowed the difference between the commuted value of one hundred rupees per mensem and the commuted value of the fraction of the provisional pension without further medical examination but the payment of the commuted value of pension exceeding one hundred rupees per mensem shall be made if the applicant applies afresh for medical examination as provided in clause (*c*) of sub-rule (3) of Rule 9 and he is declared fit by a Medical Board.

(2) The commuted value of the fraction of provisional pension as indicated in the endorsement in Form 3 addressed to the applicant and forwarded under sub-rule (4) of Rule 20 shall be deemed to have been amended with the issue of an authority by the Accounts Officer for the payment of difference between the commuted value of the fraction of the final pension and the fraction of the provisional pension.

CHAPTER V

MISCELLANEOUS

32. Interpretation

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Department of Personnel and Administrative Reforms for decision.

33. Power to relax

Where any Ministry or Department of the Government is satisfied that the operation of any of these rules causes undue hardship in any

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particular case, that Ministry or Department, as the case may be, may, by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions, as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the Department of Personnel and Administrative Reforms.

34. Repeal and Savings

(1) On the commencement of these rules, every rule, regulation or order including Office Memoranda (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation—

(*a*) any application for commutation of pension which is pending before the commencement of these rules shall be disposed of in accordance with the provisions of old rules as if these rules had not been made; and

(*b*) subject to the provisions of clause (*a*), anything done or any action taken under the old rules shall be deemed to have been done or taken under the corresponding provisions of these rules.

FORM I

FORM OF APPLICATION FOR COMMUTATION OF A FRACTION OF PENSION WITHOUT MEDICAL EXAMINATION

[*See* Rules 5 (2), 6 (1), 12, 13 (1) and (2), 14 (1) and (2), 15 (1) and (2) and 16 (1) and (2)]

(To be submitted in duplicate after retirement but within one year of the date of retirement)

PART I

To

The..... (*Here indicate the designation and full address of the Head of Office*)

.....

.....

Subject:—**Commutation of pension without medical examination.**

Sir,

I desire to commute a fraction of my pension as indicated below in accordance with the provisions of the Central Civil Services (Commutation

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of Pension) Rules, 1981. The necessary particulars are furnished below—

1. Name (in Block Letters) ... ...
2. Father's name (also husband's name in the case of a female Government servant) ...
3. Designation at the time of retirement ...
4. Name of Office/Department/Ministry in which employed ... ...
5. Date of birth (by Christian era) ... ...
6. Date of retirement ... ...
7. Class of pension on which retired ...
8. Amount of pension authorised. [In case final amount of pension has not been authorised, indicate the amount of provisional pension sanctioned under Rule 64 of the Central Civil Services (Pension) Rules, 1972] ... ...
9. *Fraction of pension proposed to be commuted
10. Designation of the Accounts Officer who authorised the pension and the No. and date of the Pension Payment Order, if issued ...
11. †Disbursing authority for payment of pension—
    (*a*) Treasury/Sub-Treasury (Name and complete address of the Treasury/Sub-Treasury to be indicated) ... ...
    (*b*) (*i*) Branch of the Nationalised Bank with complete postal address ... ...
    (*ii*) Bank Account No. to which monthly pension is being credited each month...
    (*c*) Accounts Office of the Ministry/Department/Office ... ...

Place: *Signature*

Date : Postal Address

NOTE.—The payment of commuted value of pension shall be made through the disbursing authority from which pension is being drawn. It is not open to an applicant to draw the commuted value of pension from a disbursing authority other than the disbursing authority from which pension is being drawn.

*The applicant should indicate the fraction of the amount of monthly pension (subject to maximum of one-third thereof) which he desires to commute and not the amount in rupees.

†Score out which is not applicable.

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PART II

ACKNOWLEDGEMENT

Received from Shri.....(*name*).....(*former designation*) application in Part I of Form 1 for the commutation of a fraction of pension without medical examination.

Place: *Signature*

Date : Head of Office

NOTE.—This acknowledgement is to be signed, stamped and dated and is to be detached from the Form and handed over to the applicant. If the form has been received by the post, it has to be acknowledged on the same day and the acknowledgement sent under registered cover.

PART III

Forwarded to the Accounts Officer.....(*here indicate the address and designation*) with the remarks that—

(*i*) the particulars furnished by the applicant in Part I have been verified and are correct;

(*ii*) the applicant is eligible to get a fraction of his pension commuted without medical examination;

(*iii*) the commuted value of pension determined with reference to the Table applicable at present comes to Rs.....

(*iv*) the amount of residuary pension after commutation will be Rs.....

2. It is requested that further action to authorise the payment of the amount of commuted value of pension may be taken as in Rule 15 of the Central Civil Services (Commutation of Pension) Rules, 1981.

3. The receipt of Part I of the Form has been acknowledged in Part II which has been forwarded separately to the applicant on.....

4. The commuted value of pension is debitable to Head of Account—.

Signature

Place:

Date : Head of Office

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FORM 1-A

FORM OF APPLICATION FOR COMMUTATION OF A FRACTION OF SUPERANNUATION PENSION WITHOUT MEDICAL EXAMINATION WHEN APPLICANT DESIRES THAT THE PAYMENT OF THE COMMUTED VALUE OF PENSION SHOULD BE AUTHORISED THROUGH THE PENSION PAYMENT ORDER

[*See* Rules 5 (2), 12, 13 (3), 14 (1) and 15 (3)]

(*To be submitted in duplicate at least three months before the date of retirement*)

PART I

The.....

.....

.....

(*Here indicate the designation and full address of the Head of Office*)

Subject:—**Commutation of pension without medical examination.**

Sir,

I desire to commute a fraction of my pension in accordance with the provisions of the Central Civil Services (Commutation of Pension) Rules, 1981. The necessary particulars are furnished below—

1. Name (in Block letters) ... ...
2. Father's name (and also husband's name in the case of a female Government servant) ...
3. Designation ... ...
4. Name of Office/Department/Ministry in which employed ... ...
5. Date of Birth (by Christian era) ... ...
6. Date of retirement on superannuation or on the expiry of extension in service granted under FR 56 (*d*) ... ...

*7. Fraction of superannuation pension proposed to be commuted ... ...

†8. Disbursing authority from which pension is to be drawn after retirement—

(*a*) Treasury/Sub-Treasury (Name and complete address of the Treasury/Sub-Treasury to be indicated) ... ...

---

*The applicant should indicate the fraction of the amount of monthly pension (subject to a maximum of one-third thereof) which he/she desires to commute and not the amount in rupees.

†Score out which is not applicable.

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(*b*) (*i*) Branch of the nominated nationalised bank with complete postal address ...

(*ii*) Bank Account No. to which monthly pension is to be credited each month ...

(*c*) Account Office of the Ministry/Department/Office ... ...

Signature

Present Postal address.

.....

Postal address after retirement

Place: .....

Date : .....

PART II

(ACKNOWLEDGEMENT)

Received from Shri/Smt./Kumari.....(*name*)..... (*designation*) application in Part I of Form I-A for commutation of a fraction of pension without medical examination.

Place: *Signature*

Date : Head of Office

NOTE.—If the application has been received by the Head of Office before the date of retirement on superannuation, this acknowledgement should be detached from the Form and handed over to the applicant. If the form has been received by post, it has to be acknowledged on the same day and the acknowledgement sent under registered cover to the applicant. In case it is received after the specified date, it should be accepted only if it has been put into the post on or before that date subject to the production of evidence to that effect by the applicant.

PART III

Forwarded to the Accounts Officer.

(*here indicate the address and designation*)..... with the remarks that—

(*i*) the particulars furnished by the applicant in Part I have been verified and are correct;

(*ii*) the applicant is eligible to get a fraction of his pension commuted without medical examination;

(*iii*) the commuted value of pension determined with reference to the Table applicable at present comes to Rs.....; and

(*iv*) the amount of residuary pension after commutation will be Rs.....

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2. The pension papers of the applicant completed in all respects were forwarded under this Ministry/Department/Office Letter No....., dated..... It is requested that the payment of commuted value of pension may be authorised through the Pension Payment Order which may be issued one month before the retirement of the applicant.

3. The receipt of Part I of this Form has been acknowledged in Part II which has been forwarded separately to the applicant on.....

4. The commuted value of pension is debitable to Head of Account .....

Place: *Signature*

Date : Head of Office

FORM 2

FORM OF APPLICATION FOR COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION BY AN APPLICANT REFERRED TO IN RULE 18 OF THE CENTRAL CIVIL SERVICES (COMMUTATION OF PENSION) RULES, 1981

[*See* Rules 5 (2), 9 (3), 13 (2), 14 (2), 19, 20 (1), (2) and (3), 21 (1) and 25 (2)]

(*To be submitted in duplicate*)

SPACE FOR PHOTOGRAPH

To

The.....

.....

.....

(*Here indicate the designation and full address of the Head of Office*)

Subject:—**Commutation of pension after medical examination.**

Sir,

I desire to commute a fraction of my pension in accordance with the provisions of the Central Civil Services (Commutation of Pension) Rules, 1981. An attested copy of my photograph is pasted on the application and an unattested copy is enclosed. The necessary particulars are furnished below—

1. Name (in Block letters) ... ...
2. Father's name (and also husband's name in the case of a female Government servant) ...
3. Designation ... ...

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4. Name of Office/Department/Ministry in which employed ... ...

5. Date of Birth (by Christian era) ... ...

6. Date of retirement ... ...

7. Class of pension on which retired [*See* Chapter V of the Central Civil Services (Pension) Rules, 1972] ... ...

8. Amount of pension authorised (indicate the amount of provisional pension if full pension not authorised) ... ...

9. *Fraction of pension proposed to be commuted

10. Designation of the Accounts Officer who authorised the pension and the number and date of the Pension Payment Order ... ...

11. **Disbursing authority for payment of pension—

(*a*) Treasury/Sub-Treasury (name and complete address of the Treasury/Sub-Treasury to be indicated) ... ...

(*b*) (*i*) Branch of the Nationalised Bank with complete postal address ... ...

(*ii*) Bank Account No. to which monthly pension is being credited each month ...

(*c*) Accounts Office of the Ministry/Department/Office ... ...

12. Approximate date from which commutation is desired to have effect... ... ...

13. The amount of pension already commuted, if any ... ...

14. Preference for station where medical examination is desired to take place ... ...

Signature

Postal Address.....

Place: .....

Date : .....

*The applicant should indicate the fraction of the amount of monthly pension (subject to a maximum of one-third thereof) which he desires to commute and not the amount in rupees.

**Score out which is not applicable.

NOTE.—The payment of commuted value of pension shall be made through the disbursing authority from which pension is being drawn. It is not open to an applicant to draw the commuted value of pension from a disbursing authority other than the authority from which pension is being drawn.

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PART II

ACKNOWLEDGEMENT

Received from Shri.....(*name*).....(*designation*) application in Part I of Form 2 for commutation of a fraction of pension after medical examination.

Place: *Signature*

Date : (Head of Office)

PART III

Forwarded to the Accounts Officer..... (*here indicate the address and designation*) with the remarks that the particulars furnished by the applicant in Part I have been verified and are correct and the applicant is eligible to get a fraction of his pension commuted after medical examination.

2. It is requested that Part IV of the Form may be completed and returned to this office as early as possible.

Place: *Signature*

Date : (Head of Office)

PART IV

(*To be completed by the Accounts Officer*)

1. Name of the applicant ... ...
2. Date of birth (by Christian era) ... ...
3. Date of retirement ... ...
4. Amount of pension including provisional pension, if final pension not authorised ... ...
5. Class of pension ... ...
   [*See* Chapter V of the CCS (Pension) Rules, 1972]
6. Amount of pension desired to be commuted ...

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	On the basis of		
	Normal age	Added years	
		1 year	2 years
	Rs.	Rs.	Rs.
7. (*i*) Sum payable if commutation becomes absolute before the applicant's next birthday, which falls on.....			
(*ii*) Sum payable if commutation becomes absolute after the applicant's next birthday, which falls on.....			
8. The Head of Account to which commuted value is debitable			
9. Number of enclosures, if any ... [*See* Note below]			

Place:

Date :

Signature and Designation of the Accounts Officer

Countersigned

(Head of Office)
Full address

NOTE.—The Accounts Officer should enclose with the Form a copy of the report or statement of the applicant's case if the applicant has been granted invalid pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to actual age, or has been refused commutation on medical grounds.

FORM 3

FORM OF LETTER TO THE CHIEF ADMINISTRATIVE MEDICAL AUTHORITY

[*See* Rules 20 (3) and (4) and 28 (5)]

(Please *see* Annexure)

No.....
Government of India
Ministry of.....
Department of.....
Dated the.....

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To

.....

.....

Subject:—**Medical Examination—Commutation of Pension.**

Sir,

Shri.....who retired from service on..... as.....(*designation*) has applied for commuting a fraction of his pension for a lump sum payment. The following documents are forwarded herewith:—

(*a*) Application in Form 2 in original together with—

(*i*) an unattested copy of the applicant's photograph,

(*ii*) Part IV of Form 2 in original duly completed by the Accounts Officer.

(*b*) A copy of Form 4 with a spare copy of Part III of that Form.

(*c*) Report of the statement of the applicant's case if he has been granted invalid pension or has previously commuted a fraction of his pension or declined to accept commutation on the basis of addition of years to his actual age or has been refused commutation on medical grounds.

2. In terms of Rule 22 of the Central Civil Services (Commutation of Pension) Rules, 1981, Shri.....should be examined by a Medical Board/Medical Officer not lower than the rank of Civil Surgeon or a District Medical Officer. It is requested that arrangement may be made to get Shri.....examined as expeditiously as possible before his next birthday which falls on.....

3. It is requested that arrangements for medical examination by the medical authority indicated in para. 2 above may be made at the nearest available station mentioned by Shri.....in his application in Form 2. The attention of the medical authority may be drawn to the provisions of Rule 25 of the Central Civil Services (Commutation of Pension) Rules, 1981.

4. It is requested that Shri.....may be informed direct under intimation to this Ministry/Department/Office as to where and when he should appear before the appropriate authority for medical examination. A copy of this letter is being endorsed to him so that he may comply with your instructions on hearing from you.

5. The receipt of this letter may please be acknowledged.

Yours faithfully,

(Head of Office)

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Copy forwarded to Shri.....(*here give complete postal address*) with the remarks that subject to the medical authority recommending commutation, he will, on the basis of the report of the Accounts Officer, be eligible for the lump sum payment in lieu of the amount of pension to be commuted as follows:—

	On the basis of		
	Normal age	Added years	
		1 year	2 years
	Rs.	Rs.	Rs.
(*i*) Sum payable if commutation becomes absolute before the applicant's next birthday which falls on.....			
(*ii*) Sum payable if commutation becomes absolute after applicant's next birthday which falls on.....			

The Table of the present value, on the basis of which the calculation by the Accounts Officer has been made, is subject to alteration at any time without notice and consequently the basis is liable to revision, before payment is made. The sum payable will be the sum appropriate to the applicant's age on his birthday next after the date on which the commutation becomes absolute or if the medical authority directs that years will be added to that age, to the consequent assumed age.

Shri.....should report for medical examination to the medical authority direct on hearing from.....He should take with him the enclosed Form 4 with the particulars required in Part I completed except the signature or thumb or finger impressions.

Signature
(Head of Office)

Date:

Copy forwarded to the Accounts Officer.....(*here indicate designation and address*) with reference to his Letter No....., dated.....

Signature
(Head of Office)

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FORM 4

MEDICAL EXAMINATION BY THE.....
(*Here enter the medical authority*)

[*See* Rules 6 (1), 20 (3), 25 (1), (2) and (3), 26 (3), 27 (1) and (3), 28 (2), 30 (1) and 31 (2)]

PART I

The applicant must complete this statement prior to his examination by the.....(*here enter the medical authority*) and must sign the declaration appended thereto in the presence of that authority.

1. Name of the applicant (in Block letters) ...
2. Date of birth (by Christian era) ... ...
3. Place of birth ... ...
4. Particulars regarding parents, brothers and sisters—

Father's age, if living and state of health	Father's age at death and cause of death	Number of brothers living, their ages and state of health	Number of brothers dead, their ages at death and cause of death	Mother's age, if living and state of health	Mother's age at death and cause of death	Number of sisters living, their ages and state of health	Number of sisters dead, their ages at death and cause of death

5. Have you ever been examined—
   (*a*) for Life Insurance, or/and ... ...
   (*b*) by any Government Medical Officer or State Medical Board ... ...
   If so, state details and with what results ...
6. Have you been granted or considered for grant of invalid pension? If so, state the ground thereof
7. Have you ever been granted leave on medical certificate during the last five years? If so, state periods of leave and nature of illness ...

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8. Have you ever—

(*a*) had smallpox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy, heart disease, fainting attacks, rheumatism, appendicitis, epilepsy, insanity or other nervous disease, discharge from or other disease of the ear, syphilis or gonorrhoea; or ... ...

(*b*) had any other disease or injury which required confinement to bed, or medical or surgical treatment; or ... ...

(*c*) undergone any surgical operation; or ...

(*d*) suffered from any illness, wound or injury sustained while on active service... ...

(*e*) presence of albumin or sugar in urine ...

9. Present state of health—

(*a*) Have you a hernia? ... ...

(*b*) Have you varicocele, varicose veins or piles?

(*c*) Is your vision in each eye good (with or without glasses)? ... ...

(*d*) If your hearing in each ear good? ...

(*e*) Have you any congenital or acquired malformation, defect or deformity? ... ...

(*f*) Have you lost or gained weight markedly during the last three years? ... ...

(*g*) Have you been under treatment of any doctor within the last three months and nature of illness for which such treatment was taken?

Declaration by Applicant

(*To be signed in the presence of the medical authority*)

I declare all the above answers to be, to the best of my belief, true and correct.

I am fully aware that by wilfully making a false statement or concealing a relevant fact I shall incur the risk of losing the commutation

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I have applied for and of having my pension withheld or withdrawn under Rule 8 of the Central Civil Services (Pension) Rules, 1972.

Applicant's signature or thumb-impression in case of illiterate applicant

Signed in the presence of.....
(*Signature and designation of medical authority*)

PART II

(*To be filled in by the examining medical authority*)

1. Apparent age ... ...
2. Height ... ...
3. Weight ... ...
4. Describe any scars or identifying marks of the applicant ... ...
5. Pulse rate—
   (*a*) Sitting ... ...
   (*b*) Standing ... ...
   What is the character of pulse? ... ...
6. Blood pressure—
   (*a*) Systolic ... ...
   (*b*) Diastolic ... ...
7. Is there any evidence of disease of the main organs—
   (*a*) Heart ... ...
   (*b*) Lungs ... ...
   (*c*) Liver ... ...
   (*d*) Spleen ... ...
   (*e*) Kidney ... ...
8. Investigations—
   (*i*) Urine ... ...
   (State specific gravity)
   (*ii*) Blood ... ...
   (*iii*) X-Ray Chest ... ...
   (*iv*) ECG ... ...

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9. Has the applicant a hernia? ... ...
(If so, state the kind and if reducible)

10. Any additional finding ... ...

PART III

(*To be filled in by the examining medical authority*)

I/We have carefully examined Shri/Shrimati/Kumari..... and am/are of opinion that—

He/She is in good bodily health and has the prospect of an average duration of life.

Or

He/She is not in good bodily health and is not a fit subject for commutation.

Or

Although he/she is suffering from.....he/she is considered a fit subject for commutation but his/her age for the purpose of commutation, i.e., the age next birthday shall be taken to be..... (in words) years more than his/her actual age.

Station:

Date:

Signature and designation of examining medical authority

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FORM 5

[*See* Rule 7]

To
Head of Office
(Place).....

I,.....(*Name of the pensioner in Capital Letters*) hereby nominate the person named below, under Rule 7 of the Central Civil Services (Commutation of Pension) Rules, 1981.

Name and address of the nominee	Relationship with the pensioner	If nominee is minor		Name and address of other nominee in case the nominee under column (1) pre-deceases the pensioner	Relationship with pensioner	Date of birth if the other nominee is minor	Name and address of person who may receive the commuted value of pension during the other nominee's minority	Contingency on happening of which nomination shall become invalid
		Date of birth	Name and address of person who may receive the said commuted value during the nominee's minority					
1	2	3	4	5	6	7	8	9

Place:
Date :
Witness: Signature:
Name and Address:

Signature (or thumb-impression if illiterate) and name of Pensioner:
Address:
Signature of Head of Office:
STAMP

Acknowledgement to be sent by the Head of Office

Certified that the nomination has been received from.....(*Name of Pensioner*) whose address is.....

Place:
Date :

Signature of Head of Office
Full Address:

[G.I., Dept. of Pension and Pensioners' Welfare, Notification No. 34 (5)/83-Pension Unit, dated the 17th April, 1985, published as S.O. No. 1870 in the Gazette of India, dated the 4th May, 1985.]

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PRO FORMA

[*See* Decision (2), Rule 10]

.....
.....
.....

Subject:—**Restoration of commuted portion of pension after 15 years —Implementation of the judgment of the Supreme Court.**

Sir,

Kindly restore my commuted portion of pension in terms of Ministry of Personnel, Public Grievances and Pension, Department of Pension and Pensioners' Welfare, O.M. No. 34/2/86-P. & P.W., dated the 5th March, 1987.

Requisite particulars are given below—

1. Name in Block letters ... ...
2. Date of retirement ... ...
3. PC/PPO No. ... ...
4. Amount of original pension ... ...
5. Amount of pension commuted (if any) ...
6. Name of the Accounts Officer, viz., the authority who issued PC/PPO ... ...
7. Name of the Treasury/Post Office/PPM/other pension disbursing agency ... ...

Signature of Pensioner

Date:

Postal address:

Particulars verified.

Signature

Rubber Stamp of
Pension Disbursing Authority

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TABLE

COMMUTATION VALUES FOR A PENSION OF Re. 1 PER ANNUM

Effective from 1*st March,* 1971

[*See* Rules 8, 26 (7), 28 (5) and 29 (1) and 29 (2)]

Age next birth-day	Commutation value expressed as number of year's purchase	Age next birth-day	Commutation value expressed as number of year's purchase	Age next birth-day	Commutation value expressed as number of year's purchase
17	19.28	40	15.87	63	9.15
18	19.20	41	15.64	64	8.82
19	19.11	42	15.40	65	8.50
20	19.01	43	15.15	66	8.17
21	18.91	44	14.90	67	7.85
22	18.81	45	14.64	68	7.53
23	18.70	46	14.37	69	7.22
24	18.59	47	14.10	70	6.91
25	18.47	48	13.82	71	6.60
26	18.34	49	13.54	72	6.30
27	18.21	50	13.25	73	6.01
28	18.07	51	12.95	74	5.72
29	17.93	52	12.66	75	5.44
30	17.78	53	12.35	76	5.17
31	17.62	54	12.05	77	4.90
32	17.46	55	11.73	78	4.65
33	17.29	56	11.42	79	4.40
34	17.11	57	11.10	80	4.17
35	16.92	58	10.78	81	3.94
36	16.72	59	10.46	82	3.72
37	16.52	60	10.13	83	3.52
38	16.31	61	9.81	84	3.32
39	16.09	62	9.48	85	3.13

NOTE.—This table is based on a rate of interest of 4.75 per cent per annum.

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ANNEXURE

[*See* Rule 20 (3)]

CHIEF ADMINISTRATIVE MEDICAL AUTHORITIES IN THE STATES AND UNION TERRITORIES

Sl. No.	Name of the State	Designation and Address
		STATES
1.	Andhra Pradesh	Director of Health Services, Andhra Pradesh, Hyderabad.
2.	Assam	Director of Health Services, Assam, Shillong.
3.	Bihar	Director of Health Services, Bihar, Patna.
4.	Gujarat	Director of Medical Services, Gujarat, Ahmedabad.
5.	Haryana	Director of Health Services, Haryana, Chandigarh.
6.	Himachal Pradesh	Director of Medical and Health Services, Himachal Pradesh, Simla.
7.	Jammu and Kashmir	Director of Health Services, Jammu and Kashmir, Srinagar/Jammu (Tawi).
8.	Karnataka	Director of Health Services, Karnataka, Bangalore.
9.	Kerala	Director of Health Services, Kerala, Trivandrum.
10.	Madhya Pradesh	Director of Health Services, Madhya Pradesh, Bhopal.
11.	Maharashtra	(*i*) The Superintendent, JJ. Group of Hospitals, Bombay or the Civil Surgeon, Pune, if the applicant is to be examined by a Medical Board. (*ii*) Civil Surgeon of the District concerned or the Presidency Surgeon, Bombay, if the applicant is not to be examined by a Medical Board.
12.	Manipur	Director of Medical and Health Services, Manipur, Imphal.
13.	Meghalaya	Director of Health Services, Meghalaya, Shillong.
14.	Nagaland	Director of Health Services, Nagaland, Kohima.

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Sl. No.	Name of the State	Designation and Address
		STATES—(*Contd.*)
15.	Orissa	Director of Health Services, Orissa, Bhubaneswar.
16.	Punjab	Director of Health Services, Punjab, Chandigarh.
17.	Rajasthan	Director of Medical and Health Services, Rajasthan, Jaipur.
18.	Sikkim	Director of Health Services, Sikkim, Gangtok.
19.	Tamil Nadu	Director of Health Services and Family Planning, Tamil Nadu, Madras.
20.	Tripura	Director of Health Services, Tripura, Agartala.
21.	Uttar Pradesh	Director of Medical and Health Services, Uttar Pradesh, Lucknow.
22.	West Bengal	Director of Health Services, West Bengal, Writers Building, Calcutta.
		THE UNION TERRITORIES
1.	Delhi	(*i*) The Chairman of the Central Standing Medical Board, Dr. Ram Manohar Lohia Hospital, New Delhi. (*ii*) The Chairman of the Central Standing Medical Board, Safdarjang Hospital, New Delhi.
2.	The Andaman and Nicobar Islands	Senior Medical Officer, Andaman and Nicobar Islands, Port Blair.
3.	Lakshadweep	Director of Medical and Health Services, Lakshadweep, P.O. Kavaratti (via), Head Post Office, Calicut.
4.	Dadra and Nagar Haveli	Medical Officer of Health, Dadra and Nagar Haveli, Silvassa.
5.	Goa, Daman and Diu	Director of Health Services, Goa, Panjim.
6.	Pondicherry	Director of Health Services, Pondicherry.
7.	Chandigarh	Medical Officer of Health, Union Territory of Chandigarh, Chandigarh.
8.	Mizoram	Director of Health Services, Mizoram, Shillong.
9.	Arunachal Pradesh	Director of Health Services, Shillong.

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APPENDIX 2

COMPASSIONATE APPOINTMENT OF SON/DAUGHTER/ NEAR RELATIVE OF DECEASED GOVERNMENT SERVANT/ GOVERNMENT SERVANT RETIRED ON MEDICAL GROUND

G.I., Dept. of Personnel & Training, O.M. No. 14014/6/86-Estt. (D), dated the 30th June, 1987

The undersigned is directed to say that instructions have been issued by this Department from time to time laying down the principles to be followed in making compassionate appointments of sons/daughters/near relatives of deceased Government servants. For facility of reference, the orders issued on the subject have been simplified and consolidated in this Office Memorandum.

1. To whom applicable:

(*a*) To a son or daughter or near relative of a Government servant who dies in harness including death by suicide, leaving his family in immediate need of assistance, when there is no other earning member in the family.

(*b*) In exceptional cases when a Department is satisfied that the condition of the family is indigent and is in great distress, the benefit of compassionate appointment may be extended to a son/daughter/near relative of a Government servant retired on medical grounds under Rule 38 of Central Civil Services (Pension) Rules, 1972, or corresponding provisions in the Central Civil Service Regulations before attaining the age of 55 years. In case of Group 'D' employees whose normal age of superannuation is 60 years, compassionate appointment may be considered where they are retired on medical grounds before attaining the age of 57 years.

(*c*) To a son or daughter or near relative of a Government servant who dies during the period of extension in service but not re-employment.

2. Authority competent to make compassionate appointments:

(*a*) Joint Secretary in-charge of Administration or Secretary in the Ministry/Department concerned.

(*b*) In the case of Attached and Subordinate Offices, such power may be exercised by the Head of the Department under Supplementary Rule 2 (10).

3. Posts to which such appointments can be made:

Group 'C' post or a Group 'D' post.

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4. Eligibility:

(*a*) Compassionate appointments can be made only against direct recruitment quota.

(*b*) Applicants for compassionate appointment should be appointed only if they are eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.

(*c*) Departments are, however, competent to relax temporarily educational qualifications in the case of appointment at the lowest level, i.e., Group 'D' or LDC post, in exceptional circumstances where the condition of the family is very hard. Such relaxation will be permitted up to a period of two years beyond which no relaxation of educational qualifications will be admissible and the services of the persons concerned if still unqualified, are liable to be terminated.

(*d*) Where a widow is appointed on compassionate ground to a Group 'D' post, she will be exempted from the requirements of educational qualifications, provided the duties of the post can be satisfactorily performed without having the educational qualification of Middle standard prescribed in the Recruitment Rules.

(*e*) In deserving cases even where there is an earning member in the family, a son/daughter/near relative of the deceased Government servant, leaving his family in distress may be considered for appointment with the prior approval of the Secretary of the Department concerned who, before approving the appointment, will satisfy himself that the grant of concession is justified having regard to the number of dependants, the assets and liabilities left by the deceased Government servant, the income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the deceased Government servant and whether he should not be a source of support to the other members of the family.

5. Extent to which compassionate appointments can be made:

The appointing authorities may ensure that total reservation for Scheduled Castes, Scheduled Tribes, Physically Handicapped persons and Ex-servicemen, the details of which are given below, together with carry forward reservation (which at present is applicable only in respect of SC/ST and Physically handicapped persons) should not exceed 50% of the vacancies available on any particular occasion:

*(*i*) Scheduled Castes	...	...	15 %
*(*ii*) Scheduled Tribes	...	...	7½ %

*The percentages of reservation for SC/ST are different in case of offices using 100-point roster at Appendix 3 of the Brochure on Reservation for SCs and STs in Services.

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(*iii*) Ex-servicemen	...	10% in Group 'C' posts and 20% in Group 'D' posts subject to proviso 1 of Rule 4 of this Department's Notification No. 39016/10/79-Estt. (C), dated 15-12-1979. [Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979.]
(*iv*) Physically Handicapped persons	...	3 %

6. Relaxation:

Compassionate appointments are made in relaxation of the following:—

(*a*) Recruitment procedure, i.e., without the agency of the Staff Selection Commission or Employment Exchange.

(*b*) Age-limit wherever necessary. The lower age-limit should not be below 18 years of age.

(*c*) Educational qualification to the extent stated in para. 4 above.

(*d*) Clearance from Surplus Cell of this Department/Directorate General of Employment and Training.

NOTE.—If an employee dies while in service or is retired on invalid pension and there is a ward below 18 years of age and who alone is available for employment, he should apply for a job as soon as he attains the age of 18 years. The persons below the age of 18 years should not be considered for appointment on compassionate grounds. The upper age-limit may, however, be relaxed as hithertofore as per the orders already existing on this subject.

[G.I., Dept. of Per. & Trg., O.M. No. F. 14014/23/87-Estt. (D), dated the 17th February, 1988.]

7. Belated requests for compassionate appointments:

Ministries/Departments can also consider the requests for compassionate appointment even where the death took place long ago, say five years or so. While considering such belated requests it should be kept in view that the concept of compassionate appoinment is largely related to the need for immediate assistance to the family on the passing away of the Government servant in harness. The very fact that the family has been able to manage somehow all these years should normally be adequate proof to show that the family had some dependable means of subsistence. Therefore, examination of such cases calls for a great deal of circumspection. The decision in those cases may be taken at the level of Secretary only.

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8. Widow appointed on compassionate grounds getting remarried:

A widow appointed on compassionate grounds will be allowed to continue in service even after remarriage.

9. Selective approach:

(*a*) The appointments made on grounds of compassion should be done in such a way that persons appointed to the post do have the essential educational and technical qualifications and experience required for the post consistent with the requirements of maintenance of efficiency of administration.

(*b*) It is not the intention to restrict employment of son/daughter/near relative of deceased Group 'D' employee to a Group 'D' post only.

As such, a son/daughter/near relative of deceased employee can be appointed to a Group 'C' post for which he is educationally qualified, provided a vacancy in Group 'C' exists.

(*c*) As the appointments have to be cleared at the level of the Head of Department and as all the vacancies are to be pooled for compassionate appointment, it may be ensured that subordinate and field offices get an equitable share in the compassionate appointments.

(*d*) The scheme of compassionate appointments was conceived as far back as 1958. Since then a number of welfare measures have been introduced by the Government such as the following which have made a significant difference in the financial position of the families of Government servants dying in harness. The benefits received by the family under these schemes may be kept in view while considering cases of compassionate appointment.

1. Under the Central Government Employees' Insurance Scheme financial assistance to the family of the deceased Government servant is as under—

Group 'D' Employees	...	Rs. 10,000 (*now Rs.* 15,000)
Group 'C' Employees	...	Rs. 20,000 (*now Rs.* 30,000)
Group 'B' Employees	...	Rs. 40,000 (*now Rs.* 60,000)
Group 'A' Employees	...	Rs. 80,000 (*now Rs.* 1,20,000)

In addition nearly 2/3rd of the amount contributed by the Government servant to the fund is also payable along with the above amount.

2. Benefit of encashment of leave to the credit of the deceased Government servant at the time of his death subject to a maximum of 240 days.

3. Entitlement of additional amount equal to the average balance in the GPF of the deceased Government servant during the three years immediately preceding the death of the subscriber subject to certain conditions under the Deposit-Linked Insurance Scheme.

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4. Improved family pension.

5. Assistance from Compassionate Fund, wherever necessary.

10. Request for change in post:

When a person has accepted a compassionate appointment to a particular post, the set of circumstances which led to his initial appointment, should be deemed to have ceased to exist and thereafter the person who has accepted compassionate appointment in a particular post should strive in his career like his colleagues for future advancement and claims for appointment to higher post on consideration of compassion should invariably be rejected.

11. General:

The pro forma as in Annexure may be used by Ministries/Departments for ascertaining necessary information and processing the cases of compassionate appointments.

IN P & T DEPARTMENTS

(1) Delegation of powers and constitution of committees.—In pursuance of the revised policy it has been decided to further delegate powers to make compassionate appointments (in the grade of Clerks or any other Group 'C' post of comparable rank of Group 'D' post in which there is direct recruitment) of sons/daughters/near relatives of P & T employees who die in harness and leave the family in indigent circumstances to Heads of Circles, etc., declared as Heads of Departments under S.R. 2 (10) if more than five years have not elapsed between the date of application for employment and the date of death of the employee. For this purpose in each circle (except in Delhi Postal Circle and J & K Circle) a committee consisting of the Heads of Circles, etc., and two senior Directors should be constituted. In Delhi Postal Circle the committee will consist of PMG and DPS and in J & K Circle, it will consist of PMG/GMT and APMG/AG. The Committee should scrutinise all such cases and decide them keeping in view guidelines provided by the Department of Personnel and Training. Such appointments must conform to the provisions as regards eligibility, etc., of the relevant Recruitment Rules except the condition of merit and nomination by Employment Exchange. The cases requiring relaxation of educational qualifications and in which there is already one earning member in the family, if recommended by the Committee will continue to be referred to the Directorate as at present. Similarly, the cases in which more than five years have elapsed between the date of death and the date of application will, if recommended by the Committee, be also referred to the Directorate. But in so doing it should be borne in mind that the main objective of such compassionate appointments is largely related to the need for *IMMEDIATE ASSISTANCE* to the bereaved family. If more than five years had passed between the death and application for appointment, it would appear that the family had some other means of

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subsistence and was in a position to tide over the crisis resulting from the death of the earning member. In such cases, it should be enquired as to why the widow failed to apply for employment in time and whether all children were minors at the time of death of the employee. Enquiries should also be made as to how the family sustained itself during the interim period.

[D.G., P & T., Letter No. 24/157/78-SPB-I, dated the 14th July, 1978.]

It has been brought to notice that in some of the Circles it is not possible to constitute the selection committee due to the absence of Senior Directors or where the post of Director has been shifted away after the decentralisation of the Circle set up.

The matter has been considered and it has been decided that where the Head of Circle finds that it is not possible to constitute a committee consisting of himself and two senior Directors, the committee may be formed as:

Name of Office	*Constitution of the committee*
1. General Manager, Telecommunications/Postmasters-General/Major Telephone Districts and Administrative Offices like General Manager (Telecom Stores) and General Manager (T & D) Circle, Jabalpur/General Manager, Training Centre, Jabalpur.	(*a*) Head of the Circle. (*b*) One officer in the Junior Administrative Grade available at headquarters. (*c*) One Group 'A' Officer in the Senior Time-scale available at headquarters.
2. Minor Telephone districts	(*a*) Head of the District. (*b*) Two Group 'A' Officers in the Senior Time-scale.

3. Cases of CAO (TCO), Calcutta, will be forwarded to the GM (Telecom), WB, Circle, Calcutta, and cases of GM (Mtce)/GM (Projects) will be forwarded to the respective territorial circles for consideration by the terrritorial circle.

[D.G., P. & T., Letter No. 24-166/79-SPB I, dated the 12th December, 1979.]

(2) Circle Selection Committee delegated power to relax upper age-limit.—It has been decided that the cases for appointment on compassionate grounds requiring relaxation of the upper age-limit may henceforth be decided by the Circle Selection Committees. The Heads of the Circles will, however, ensure that the power is exercised after weighing all the circumstances, and that the appointment is within the prescribed quota for compassionate appointment.

It is also clarified that these powers are to be exercised only in respect of cases which are not more than five years old and in which there is no earning member in the family.

[G.I.,Dept. of Posts, Lr. No. 24-296/86-SPB, dated the 21st April, 1989.]

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It has been decided that the cases regarding grant of appointment on compassionate grounds involving relaxation of condition pertaining to age prescribed in the recruitment rules will be finalised by the respective Committees of the Telecom. Circles. In the case of Madras/Calcutta Telecom. Districts, MTNL, New Delhi/Bombay and Northern Telecom. Region, the respective committees will be competent to decide such cases. There is no need to refer such cases to this office hereafter.

[G.I., Dept. of Telecom., Lr. No. 268-239/87-STN, dated the 9th November, 1989.]

(3) Recruitment to the scientific and technical cadres like Junior Engineers/Technical Assistants and allied cadres.—According to the instructions contained in Circular Letter No. 24-126/71-SPBI, dated the 26th September, 1972, proposals regarding appointment of sons/daughters/near relative of the deceased P & T employees to the Scientific and Technical cadres like Junior Engineers/Technical Assistants, etc., in relaxation of recruitment rules were being sent to this office for consideration/approval of the Committee. However, instructions were issued *vide* this Office Letter No. 24-157/78-SPBI, dated the 22nd January, 1979 and No. 25-10/76-SPBI, dated the 3rd April, 1979, empowering the Heads of Circles to make appointments in relaxation of recruitment rules in Group 'C' and Group 'D' cadres under certain conditions. In this connection, it is clarified that the procedure laid down in these letters on the above subject, will be followed in making appointments to the cadre of Junior Engineers/Technical Assistants and allied cadres also where there is direct recruitment subject to the condition that the candidate has secured at least 50% marks in the educational qualification prescribed for the post concerned.

The proposal, if any, that will now be required to be forwarded is for approval of this office for relaxation in age-limit and any other provisions in the statutory recruitment rules. These may be forwarded only after the candidate has been found otherwise eligible and approved by the Committee in the Circle. However, the actual appointment or sending for training, etc., should be done only after the approval for the necessary relaxation is received from this office.

[D.G., P. & T., Letter No. 43-38/80-NCG, dated the 2nd July 1980.]

NOTE.—Power to relax upper age-limit since delegated to Heads of Circles—*See* item (2) above.

(4) Compassionate appointment gets priority over other categories in appointment.—The question of deciding priorities for filling up vacant posts in Time-Scale Clerical cadre from amongst candidates belonging to various categories, viz., qualified lower grade officials, compassionate appointment candidates, surplus staff, Reserved Trained Pool Staff, Rule 38 transfer optees, etc., has been under consideration. It has been decided that compassionate appointment cases will get priority to other categories of staff. Surplus Staff, RTPS and Rule 38 transfer will be the order after appointments made on compassionate grounds.

[G.I., Dept. of Posts, Lr. No. 60-5/87-SPB-I, dated the 12th May, 1988.]

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(5) Undertaking to be obtained at the time of appointment.—It has come to notice that in certain cases the dependants (of the deceased P & T employees) who have been appointed on compassionate grounds do not support the family after their appointment thus defeating the very purpose of the scheme. It has, therefore, been decided that in future while appointing dependants of the deceased P & T employees in relaxation of recruitment rules an undertaking in writing may be taken in the format given below that they would take care of the family of the deceased.

UNDERTAKING

I.....s/o, d/o.....*(name, designation and office)* .....who have applied for appointment as a PA/SA/PM/ Gr. 'D' in relaxation of recruitment rules hereby undertake to maintain my parent and dependants in the event of my being appointed in the P & T Department and further affirm that I am aware that my services would be terminated by the appointing authority under the rules in the event of my failure to maintain them without any notice to me.

I am aware of the above statement.

Independent witnesses: Signature.....

Signature with name and address Name.....

1. Date.....

2.

Breach of the undertaking results in termination.—It is hereby clarified, after consultation with the Department of Personnel, that in case the temporary Government servant appointed on compassionate grounds fails to comply with the undertaking given in writing, the appointing authority is competent to terminate his services under the CCS (Temporary Service) Rules, 1965, after satisfying about the merits of the case. However, this should not give rise to appointment of another dependant on compassionate grounds, as compassionate appointment is a one time exception and should not be extended to the second ward in succession.

[D.G., P. & T., No. 24-1/73-SPB I, dated the 31st October, 1983 and No. 24-1/21/83, SPB I, dated the 12th September, 1983.]

PRO FORMA REGARDING EMPLOYMENT OF DEPENDANTS OF GOVERNMENT SERVANTS DYING WHILE IN SERVICE/RETIRED ON INVALID PENSION

PART I

1. (*a*) Name of the deceased/retired on invalid pension employee ... ...
   (*b*) Designation of the employee ... ...
   (*c*) Date of birth of the employee ... ...
   (*d*) Date of death/retirement on invalid pension ...
   (*e*) Total length of service rendered ... ...

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(*f*) Whether permanent or temporary ... ...
(*g*) Whether belonging to SC/ST ... ...

II. (*a*) Name of the candidate for appointment ...
(*b*) His/Her relationship with the employee ...
(*c*) Date of birth ... ...
(*d*) Educational Qualifications ... ...
(*e*) Whether any other dependant has been appointed on compassionate grounds... ... ...

III. Particulars of total assets left including amount of—
(*a*) Family Pension ... ...
(*b*) Retirement/Death Gratuity ... ...
(*c*) GPF Balances ... ...
(*d*) LI Policies ... ...
(*e*) Movable and immovable properties and annual income earned therefrom by the family ... ...
(*f*) CGE Insurance amount ... ...
(*g*) Encashment of leave ... ...
(*h*) Any other assets ... ...

IV. Brief particulars of liabilities, if any ... ...

V. Particulars of all dependants of the employee (if some are employed, their income and whether they are living together or separately)—

Sl. No.	*Name*	*Relationship with the employee and Age*	*Employed or not, particulars of employment and emoluments*

Declaration

VI. I do hereby declare that the facts given by me above are to the best of my knowledge correct. If any of the facts herein mentioned are found to be incorrect or false at a future date, my services may be terminated.

Signature of the Candidate

Shri.....is known to me and the facts mentioned by him are correct.

Signature of permanent Government servant

Name.....
Address.....

I have verified that the facts mentioned by candidate above are correct.

Signature of the Welfare Officer

Name.....
Address.....

PART II

I. (*a*) Name of the candidate for appointment ...
(*b*) His/Her relationship with the employee ...
(*c*) Educational Qualifications, Age (date of birth) and Experience, if any ... ...

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(*d*) Post for which employment is proposed ...

(*e*) Whether the post is to be filled in CSCS or in a non-participating office ... ...

(*f*) Whether the Recruitment Rules provide for Direct Recruitment ... ...

(*g*) Whether the candidate fulfils the requirement of the Recruitment Rules for the post ... ...

(*h*) Apart from waiver of Employment Exchange/SSC procedure what other relaxations are to be given ...

II. Whether the facts mentioned in Part I have been verified by the office and if so indicate the records ...

III. Personal recommendations of the Head of the Department/ Ministry ... ...

IV. If the employee died/retired on invalid pension more than 5 years back, why the case was not sponsored earlier ...

NOTE.—In Part II of the pro forma, against column III it has to be indicated whether the appointment has been recommended by the Circle Committee or not. Since the case is considered by the Circle/District Committee, the recommendation of the Committee may be signed by at least one member of the Committee against that column.

[D.G., P. & T., Letter No. 43-38/80-NCG, dated the 8th February, 1980.]

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APPENDIX 3

CENTRAL CIVIL SERVICES (EXTRAORDINARY PENSION) RULES*

1. These rules may be called the Central Civil Services (Extraordinary Pension) Rules.

2. These rules shall apply to all persons paid from Civil Estimates, other than those to whom the Workmen's Compensation Act, 1923 (VIII of 1923), applies, whether their appointment is permanent or temporary, on the scale of pay or fixed pay or piece-work rates who are under the rule making control of the Governor-General, and

who entered or enter service under the Central Government on or after the 1st April, 1937, or

who having entered such service before the 1st April, 1937, did not hold a lien or a suspended lien on a permanent post on that date.

NOTE.—No award shall be made under these rules in respect of a civilian officer who is deputed on foreign service under UN bodies on or after 1st January, 1958 and who is allowed to join the UN Joint Staff Pension Fund as an 'Associate Member'.

3. For the purpose of these rules unless there is anything repugnant in the subject or context—

(1) *"accident"* means—

(*i*) a sudden and unavoidable mishap; or

(*ii*) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service;

(2) *"date of injury"* means—

(*i*) in the case of accident or violence, the actual date on which the injury is suffered or such date, not being later than the date of the report of the Medical Board, as the President may fix; and

(*ii*) in the case of disease, the date on which the Medical Board reports or such earlier date as may be fixed by the President with due regard to the opinion of the Medical Board;

(3) *"injury"* means—

an injury as is mentioned in Schedule I hereto annexed. Permanent Total Disablement shall be deemed to result

*As amended by G.I., M.F., O.M. No. F. 23 (15)-E. V (A)/73-Main & Pt. I, dated the 20th January, 1978.

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from every injury specified in Part I of Schedule I or from any combination of injuries specified in Part II of that schedule where the aggregate percentage of loss of earning capacity (percentage of disability) amounts to cent per cent or more. Every injury specified in Part II of Schedule I shall be made to result in Permanent Partial Disablement.

(4) "*disease*" means—

a disease as is mentioned in Schedule I-A hereto annexed.

*(5) "*pay*" means—

the pay as defined in Rule 9 (21) of the Fundamental Rules, which a person was drawing on the date of his death or injury:

Provided that in the case of a person remunerated by piece-work rates, pay means the average earnings of the last six months ending with the date of his death or injury.

(6) *Deleted.*

(7) *Deleted.*

(8) "*Violence*" means—

the act of person who inflicts an injury on a Government servant—

(*i*) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or

(*ii*) because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such, or

(*iii*) because of his official position.

3-A. (1) (*a*) Disablement shall be accepted as due to Government service provided that it is certified that it is due to wound, injury or disease which—

(*i*) is attributable to Government service, or

(*ii*) existed before or arose during Government service and has been and remains aggravated thereby.

(*b*) Death shall be accepted as due to Government service provided it is certified that it was due to or hastened by—

See Decision (1) below these Rules for revised definition of pay with effect from 1-1-1986 as to mean the basic pay in the revised scales promulgated under the CCS (Revised Pay) Rules, 1986, stagnation increment and Non-Practising Allowance.

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(*i*) a wound, injury or disease which was attributable to Government service, or

(*ii*) the aggravation by Government service of a wound, injury or disease which existed before or arose during Government service.

(2) There shall be a causal connection between—

(*a*) disablement and Government service; and

(*b*) death and Government service,

for attributability or aggravation to be conceded. Guidelines in this regard are given in the Appendix which shall be treated as part and parcel of these Rules.

Clarification.—It will be seen from the new (revised) Forms 'C', 'D' and 'E' that these forms of medical certificates have been so designed that they would indicate whether the entitlement criteria laid down in new Rule 3-A have been satisfied or not, and therefore, normally, no other separate certificates in that behalf may be necessary. It is essential for the Administrative Officer as well as the Audit Office (PAO) concerned to satisfy themselves that the death/disability is, in fact, attributable to or aggravated by the Government service which alone makes an EOP Award admissible and for that purpose, it is essential for both of these authorities to satisfy themselves in that behalf and certify the nexus and causal connection between disablement and Government service or between death and Government service (as the case may be), in any particular case, as laid down in the new Rule 3-A on the basis of the medical and other documents regarding the case. If a Government servant had died in such circumstances and that a medical report could not be secured, even then, the nexus and the causal connection between death and Government service has to be established before conceding acceptance of death due to Government service.

[G.I., M.H.A. (Dept. of Per. & A.R.), O.M. No. F. 23 (9)-E. V (A)/79, dated the 28th November, 1980.]

(3) Notwithstanding anything contained in these rules, the degree of default or contributory negligence on the part of a Government servant may be taken into consideration in making an award under these rules in favour of such Government servant, but, shall not be taken into account where such award is made in favour of the family of such Government servant.

4. No award shall be made under these rules except with the sanction of the President.

5. Except as otherwise provided in these rules, an award made under these rules shall not affect any other pension or gratuity for which the Government servant concerned or his family may be eligible under any other rules for the time being in force; and the pension granted under the

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provisions of these rules shall not be taken into account in fixing the pay of pensioner in his continued employment or re-employment in Government service.

6. No award shall be made in respect of—

(*i*) an injury sustained more than five years before the date of application, or

(*ii*) death which occurred more than seven years—

(*a*) after the injury due to violence or accident was sustained, or

(*b*) after the Government servant was medically reported as unfit for duty on account of the disease of which he died.

7. All awards under these rules shall be made in India in rupees unless the payee resides permanently, and desires payment to be made, in a country in which the rupee is not legal tender. In the latter case the amount of the award shall be paid in sterling at the exchange rate 1*s* 6*d* to the rupee.

8. (1) The percentage of disability due to an injury or injuries shall be as specified in SCHEDULE I hereto annexed, or failing that, as certified by the Medical Authority.

(2) The percentage of disability due to a disease or diseases specified in SCHEDULE I-A, hereto annexed, shall be as certified by the Medical Authority.

9. (1) when disablement of a Government servant is conceded as due to Government service in terms of Rule 3-A, he shall be awarded disability pension in terms of sub-rule (2) or (3) or lump sum compensation in terms of sub-rule (4) of this Rule in accordance with the percentage of disability (suffered by him) as certified by the Medical authority concerned.

(2) If the Government servant is boarded out of Government service on account of his disablement, the quantum of disability pension for cent per cent disability shall be as specified in SCHEDULE II hereto annexed. The quantum of disability pension for lower percentage of disability shall be, "proportionately lower". (The minima and the maxima, given in SCHEDULE II, are applicable only for arriving at the monthly disability pension for cent per cent disability and are not applicable in respect of percentage of disability lower than cent per cent).

(3) If the Government servant is boarded out of Government service on account of such disablement, and further if, the percentage of his permanent disability as certified by the Medical Authority is not less than 60%, his monthly disability pension shall be related to the family pension admissible to the

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widow (in case he had died instead of being disabled) in the manner laid down in O.M. No. 23 (15)-E. V (A)-Pt. IV, dated the 20th January, 1978, as indicated below—

(*a*) If the employee held a permanent pensionable post and is invalided/boarded out from service, as a result of disability attributable to service, after rendering ten years service, he shall be given, apart from the normal invalid pension under the CCS (Pension) Rules, 1972, the amount of disability pension as is admissible under the CCS (EOP) Rules, subject to the condition that the sum-total of the invalid pension *plus* the disability pension shall not be less than the widow's (family) pension under the CCS (EOP) Rules; and

(*b*) if the employee eligible for disability pension under the CCS (EOP) Rules is invalided/boarded out from service before putting in ten years service, he does not get any invalid pension but gets only service gratuity under the CCS (Pension) Rules, 1972. Apart from such gratuity, he shall be given such amount of disability pension as is admissible under the EOP Rules subject to the condition that the sum-total of the pension equivalent of such gratuity under the CCS (Pension) Rules, 1972, *plus* the disability pension as is admissible under the CCS (EOP) Rules, shall not be less than the widow's (family) pension under the CCS (EOP) Rules.

(4) If the Government servant is retained in service in spite of such disablement, he shall be paid a compensation in lump sum (in lieu of the disability pension) on the basis of disability pension admissible to him in accordance with the provision of sub-rule (2) of this Rule, by arriving at the capitalized value of such disability pension with reference to the Commutation Table, in force from time to time.

10. When death of a Government servant is conceded as due to Government service in terms of Rule 3-A, his widow and children shall be awarded pensionary benefits in accordance with SCHEDULE III hereto annexed.

NOTE.—If a Government servant dies leaving behind two or more widows, the pension admissible, under this rule to the widow shall be divided equally among all the widows.

[*For liberalised pensionary awards under Extraordinary Pension Rules in the cases of death/disability as a result of* (*i*) *attack by or during action against extremists, anti-social elements, etc., and* (*ii*) *enemy action in International war or Border Skirmishes—please* see *Appendix* 4.]

11. (1) If the deceased Government servant has left neither a widow nor a child, an award may be made to his father and his mother individually or jointly and in the absence of the father and the mother to minor

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brothers and sisters, individually or collectively, if they were largely dependent on the Government servant for support and are in pecuniary need:

Provided that the total amount of the awards shall not exceed one half of the pension that would have been admissible to the widow under Rule 10:

Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in SCHEDULE III for a "child who is not motherless".

(2) Any award made under sub-rule (1) of this rule will, in the event of an improvement in the pecuniary circumstances of the pensioner, be subject to review in such manner as the President may by order prescribe.

NOTE.—If any of the widows, children, father, mother, minor brothers or sisters is denied any share in the property of the Government servant under a will or deed made by him such person shall be ineligible to receive any award under these rules and the benefit will pass on to the next person eligible.

12. (1) A family pension will take effect from the day following the death of the Government servant or from such other date as the President may decide.

(2) A family pension will ordinarily be tenable—

(*i*) in the case of a widow or mother until death or re-marriage, whichever occurs earlier;

(*ii*) in the case of minor son, or minor brother, until he attains the age of twenty-one*;

(*iii*) in the case of an unmarried daughter or minor sister, until marriage or until she attains the age of twenty-four*, whichever occurs earlier;

(*iv*) in the case of a father, life.

NOTE.—The family pension of a widow will cease on re-marriage but when such re-marriage is annulled by divorce, desertion or death of the second husband, her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving.

12-A. Notwithstanding anything contained in clause (*i*) of sub-rule (2) of Rule 12, a widow of an employee who re-marries her deceased husband's brother and continues to live a communal life with, or contributes to the support of the other dependants of the deceased shall not be disqualified for the grant of extraordinary pension, otherwise admissible to her under these rules.

*The age-limit fixed uniformly at 25 years for grant of family pension to both sons and unmarried daughters, under the CCS (Pension) Rules, 1972 [Rule 54 (6)] should equally apply to CCS (EOP) Rules also. Amendment to CCS (EOP) Rules awaited.

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13. (1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules.

(2) *Not printed.*

(3) *Not printed.*

(4) When a claim for any disability pension or family pension arises, the Head of the Office or the Department in which the injured or the deceased Government servant was employed will forward the claim through the usual channel to the Government of India with the following documents:—

(*i*) A full statement of circumstances in which the injury was received, the disease was contracted or the death occurred.

(*ii*) The application for disability pension in Form 'A' or as the case may be, the application for family pension in Form 'B' of the Forms set forth in SCHEDULE IV.

(*iii*) In the case of an injury of Government servant or one who has contracted a disease a medical report in Form 'C' of the Forms set forth in SCHEDULE IV. In the case of a deceased Government servant a medical report as to the death or reliable evidence as to the actual occurrence of death if the Government servant lost his life in such circumstances that a medical report cannot be secured.

(*iv*) A report of the Accounts Officer concerned as to whether an award is admissible under the rules and, if so, of what amount.

(5) Where the Government are satisfied on the evidence placed before them by a Government servant in respect of whom a medical report for the purpose of grant of disability or other extraordinary pension has been received by them, of the possibility of an error of judgement in the decision of the Medical Board which examined him, the Government may direct a second Medical Board consisting of members other than those who constituted the first Medical Board to examine the officer and submit a report to the Government in the matter; pension shall be granted to the officer in accordance with the decision of the second Medical Board.

GOVERNMENT OF INDIA'S DECISIONS

(1) Revised provisions effective from 1st January, 1986, regulating Disability Pension and Extraordinary Family Pension under the CCS (Extraordinary) Pension Rules.—In pursuance of Government decisions on the recommendations of the Fourth Central Pay Commission announced in the Department of Pension and Pensioners' Welfare, Resolution No. 2/13/87-PIC, dated the 18th March, 1987, it has been decided to introduce the following modifications in the rules regulating Disability Pension and

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Extraordinary Family Pension under the CCS (Extraordinary) Pension Rules (hereafter referred to as EOP Rules).

2. Definition of pay:

1. The term *'Pay' in these orders means the basic pay in the revised scales promulgated under the CCS (Revised Pay) Rules, 1986.

2. In the case of Government servants who opt to continue to draw pay in the pre-revised scales beyond 31-12-1985, the term 'Pay' will include basic pay in the pre-revised scales of pay *plus* dearness allowance, additional dearness allowance, *ad hoc* dearness allowance up to average CPI 608 and the two instalments of Interim Relief appropriate to the basic pay.

3. Disability Pension:

1. Disability Pension for 100% disability shall be allowed at the following rates:—

Basic pay per month (1)	Rate of disability pension per month for 100% disability (2)
(*i*) Not exceeding Rs. 1,500 ...	30% of basic pay subject to a minimum of Rs. 375.
(*ii*) Exceeding Rs. 1,500 but not exceeding Rs. 3,000 ...	20% of basic pay subject to a minimum of Rs. 450.
(*iii*) Exceeding Rs. 3,000 ...	15% of basic pay subject to a minimum of Rs. 600 and a maximum of Rs. 1,250.

2. For lower percentage of disability the monthly disability pension shall be proportionately lower as at present (see *Note below this decision*) provided that where permanent disability is not less than 60%, the total pension (i.e., pension or service gratuity admissible under the Ordinary Pension Rules *plus* disability pension under EOP Rules) shall not be less than 60% of basic pay subject to a minimum of Rs. 750 and maximum of Rs. 2,500.

4. Extraordinary Family Pension

1. The existing system of sanctioning family pension to the widow/widower and children's pension to each eligible child separately shall be discontinued. Instead, one consolidated extraordinary family pension shall be payable to the seniormost beneficiary at a time on the same lines as is applicable for payment of family pension under the CCS (Pension) Rules, 1972. The rates of consolidated extraordinary family pension will

*AUTHORS' NOTE.—The definition for the term 'Pay' as given here should be read in conjunction with Rule 33 of CCS (Pension) Rules, 1972 and G.I., M.F., O.M., dated 7-6-1990 [*G.I.D.* (2) *below Rule* 33 *ibid*] according to which Non-Practising Allowance granted to medical officers and Stagnation Increment(s) granted to the Central Government employees should also be taken into account.

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be inclusive of element of children's pension and also children's education allowance at present admissible under Ministry of Finance, O.M. No. 4 (3)-E. V (B)/71, dated the 13th October, 1972.

2. The consolidated family pension shall be allowed at the following rates irrespective of whether the deceased Government servant had completed 7 years of service or not:

	Basic pay of the Government servant on the date of death	Monthly extraordinary family pension
(*A*) *Where the deceased Government servant was not holding a pensionable post:*		
(*i*) If the widow is childless	(*i*) Not exceeding Rs. 1,500	30% of basic pay subject to a minimum of Rs. 375.
	(*ii*) Exceeding Rs. 1,500 but not exceeding Rs. 3,000	20% of basic pay subject to a minimum of Rs. 450.
	(*iii*) Exceeding Rs. 3,000	15% of basic pay subject to a minimum of Rs. 600 and maximum of Rs. 1,250.
(*ii*) If the widow has child/ children	In all cases	40% of basic pay subject to a minimum of Rs. 500 and maximum of Rs. 1,500.
(*B*) *Where the deceased Government servant was holding a pensionable post:*		
(*i*) If the widow is childless	(*i*) Not exceeding Rs. 1,500	50% of basic pay.
	(*ii*) Exceeding Rs. 1,500 but not exceeding Rs. 3,000	40% of basic pay subject to a minimum of Rs. 750.
	(*iii*) Exceeding Rs. 3,000	30% of basic pay subject to a minimum of Rs. 1,200 and maximum of Rs. 2,500.
(*ii*) If the widow has child/ children	In all cases	60% of basic pay subject to a minimum of Rs. 750 and maximum of Rs. 2,500.

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3. Family pension at the rates indicated at (A) (*i*) and (B) (*i*) above shall be paid to the widow up to the date of death or re-marriage, whichever is earlier. Family Pension at the rates indicated at (A) (*ii*) and (B) (*ii*) above shall be paid to the widow till the child/children attain the age prescribed under the family pension rules and thereafter the widow shall be paid family pension at the rates indicated at (A) (*i*) and (B) (*i*) above.

4. In cases where the widow dies or re-marries, the children shall be paid family pension at the rates indicated at (A) (*i*) or (B) (*i*) above, as the case may be, and the same rate shall also apply to fatherless/motherless children. In both cases, family pension shall be paid to the children for the period during which they would have been eligible for 'Family Pension' under the CCS (Pension) Rules, 1972. No children's pension or education allowance shall be paid in addition to the consolidated rates of family pension indicated above. The dependent parents, brothers, sisters, etc., shall be paid family pension at one-half of rate applicable to fatherless/motherless children subject to existing specified conditions. As indicated in Para. 4.1 family pension shall be paid to the seniormost eligible beneficiary at a time.

5. Other terms and conditions in the EOP Rules regulating disability pension and extraordinary pension, which are not specifically modified by these orders shall continue to remain operative.

6. These orders take effect from 1-1-1986, i.e., where casualty takes place on or after 1-1-1986. Past cases under EOP Rules shall be regulated in accordance with separate orders issued *vide* this Department's O.M. No. 2/1/87-PIC-I, dated the 16th April, 1987.

7. These orders apply to all civilian Central Government employees who are at present covered by Central Civil Services (Extraordinary Pension) Rules. Wherever separate set of orders have been issued by any Ministry/Department to cover any specified class of Central Government servants, the necessary orders will be issued by the respective Ministries/Departments. These orders do not cover cases under Liberalised Pensionary Awards in cases of death/disablement as a result of (*i*) action against enemy in International war or Border Skirmishes and (*ii*) attack by or during action against extremists, anti-social elements, etc., for which separate orders are being issued.

8. These orders issue in consultation with the Ministry of Finance, Department of Expenditure *vide* their U.O. No. 1016/E. V/87, dated 21-5-1987.

[G.I., M. Per., P.G. & P., Dept. of Pension & Pensioners' Welfare, O.M. No. 2/6/87-PIC (I), dated the 7th August, 1987.]

NOTE.—For lower percentages of disability, the monthly pension shall be "proportionately lower". (The minima and the maxima given above are applicable only for arriving at the monthly disability pension for cent per cent disability and are not applicable in respect of percentages

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of disability lower than 100%). For example, if the disability is only 80%, the disability pension shall be 80/100 of the pension in Column 2 above.

[Rule 9 (2).]

(2) Appointing authorities competent to sanction awards in clear cases and where there is no disagreement.—It has been decided to delegate powers to appointing authorities to sanction awards under the relevant Extraordinary Pension Rules in those cases in which the proposed pension or gratuity is held to be clearly admissible under Rules, i.e., where there is no disagreement between the Accounts Officer and the appointing authority as regards the admissibility of the awards or the amount admissible.

In cases where the President is the appointing authority the powers already delegated will continue to be exercised by the Administrative Ministries and the Comptroller and Auditor-General.

Cases which are not clearly covered by the Rules or where there is disagreement between the various authorities mentioned above, or wherein award is proposed to be granted on *ex gratia* basis, should, however, continue to be referred to the Ministry of Finance as usual.

[G.I., M.F., O.M. No. F. 19 (18)-E. V (A)/66, dated the 26th February, 1966.]

(3) Award only under EOP Rules in cases covered under both the Pension Rules.—Family Pension to the families of Government servants governed by the Family Pension Scheme, 1964 [*Rule* 54 *of CCS* (*Pension*) *Rules,* 1972] as well as the CCS (EOP) Rules whose death is accepted as due to Government service as defined in the latter rules, would be paid under the CCS (Extraordinary Pension) Rules and not under this Scheme. In other words, they will not be entitled to benefits under the said Scheme in addition.

[G.I., M.F., O.M. No. F. 19 (3)-E. V (A)/65, dated the 9th September, 1965.]

(4) Appeal against the findings of a Medical Board who examined a Government servant for the purpose of grant of wound or other extraordinary pensions.—The question of admitting appeals of Government servants against the decision of the Medical Board who examined them for the purpose of grant of wound or other extraordinary pension under the relevant extraordinary pension rules, has been receiving the attention of Government for some time. After careful consideration, the Government have decided the following procedure may be followed in this regard:—

(*i*) The findings of the examining Medical Board should be made known to the Government servant concerned as soon as possible after the receipt of the medical report by the Head of the Office/Department. The Government servant concerned should, if he desires to appeal against such decisions, do so together with requisite evidence in support of his case within one month from the date on which the findings of the Medical

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Board were made known to him. Ordinarily there is no right of appeal from the findings of an examining medical authority but if Government are satisfied on the evidence placed before them by the Government servant concerned, of the possibility of an error of judgement in the decision of the examining medical authority, it will be open to them to allow re-examination by a second Medical Board.

(*ii*) If any medical certificate is produced by the Government servant as a piece of evidence about the possibility of an error of judgement in the decision of an examining medical authority who had examined him in the first instance, the certificate will not be taken into consideration unless it contains a note by the medical practitioner who gave the certificate to the effect that it has been given in full knowledge of the fact that the person concerned has already been examined by a Medical Board who have given their opinion as to the injury/disease in respect of which the Government servant had applied for extraordinary pension.

(*iii*) The expenditure incurred in assembling the Review Board shall be borne by the Government, provided that the Government servant shall be required to pay a prescribed fee which shall be refunded if his appeal is upheld by the Review Board.

(*iv*) To ensure uniformity of procedure, all appeals shall at first be referred to the Ministry of Health who shall advise on the evidence produced as to whether there is an error of judgement on the part of the examining Medical Board who first conducted the Medical examination and whether the appeal should be accepted or not and if accepted, by whom such re-examination should be conducted.

[G.I., M.F., O.M. No. F. 19 (2)-E. V (A)/64, dated the 2nd June, 1965.]

(5) Procedure in regard to the grant of extraordinary pension in respect of State Government servants on deputation to the Central Government and vice versa.—The procedure in regard to the grant of extraordinary pension in respect of State Government servants on deputation to Central Government and vice versa has not been uniform so far. The position has, therefore, been reviewed in this regard and it has been decided that the following procedure should be followed in the matter in future:—

(*i*) The grant of extraordinary pension/gratuity should be regulated in accordance with the rules of the borrowing Government in respect of Government servants receiving injuries or dying during the period of deputation.

(*ii*) The liability for such an award should be that of the borrowing Government.

(*iii*) The Union Public Service Commission or the State Public Service Commission should be consulted according as the

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borrowing Government is the Central Government or the State Government except when the borrowing Government is the Government of Jammu and Kashmir. No consultation with the State Public Service Commission would be necessary in the extraordinary pension cases of Central Government officers deputation to the State of Jammu and Kashmir.

(*iv*) The sanction for the grant of such an award should be issued by the borrowing Government after usual consultation with the Accounts Officer.

2. The procedure prescribed in sub-para. (*i*) above should be deemed to be relaxed in cases where the extraordinary pension rules of the borrowing Government are found to be less advantageous. Such cases should be dealt with in relaxation of the rules of the borrowing Government so as to allow the Government servants concerned or the members of their families the benefits admissible under the rules of the lending Government. In such cases the borrowing Government should forward a casualty report and statement of case together with connected documents to the lending Government who will obtain a report from the Accounts Officer concerned. On receipt of an Audit report, the lending Government will forward the same along with the relevant documents to the borrowing Government for consultation with their Public Service Commission, when necessary, and issue of necessary sanction. While sending these documents, the lending Government should also state whether they agree with the report of the Accounts Officer and in case of disagreement they should state reasons for the disagreement giving their views as to the admissibility and quantum of award.

3. The decisions contained in the above paragraph shall also apply *mutatis mutandis* in respect of Government servants of the Posts and Telegraphs, Railways and Defence Departments on deputation to the other Departments of the Central Government and vice versa and these three Departments shall be treated as separate Governments for the purpose of these orders.

4. These orders do not apply to the State Government servants on deputation from the State of UP to the Central Government and vice versa. These orders also do not apply to All India Services Officers.

[G.I., M.F., O.M. No. F. 19 (23)-E. V (A)/64, dated the 2nd August, 1965.]

(6) *Ex gratia* payment to families of Government servants travelling by service aircraft and dying in accidents.—The death of a Government servant as a result of an accident, while travelling by air on duty, is treated as being due to 'special risk of office' for the purposes of Central Civil Services (Extraordinary Pension) Rules. His family is in that event entitled to the pension and gratuity admissible under those rules. If death occurs while travelling by a commercial plane operated by the Indian Airlines Corporation, the family is likely to receive an *ex gratia* payment from the Corporation. No such cover is, however, available if the death

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occurs in an accident while travelling on duty by service aircrafts. The question of giving compensation in such cases has been under the consideration of the Government. It is felt that the benefits to the families of Government servants involved in fatal accidents, while travelling as passengers and members of the crew by service aircraft in the course of the performance of their official duties, should be on par with those available to the families of similar personnel travelling by IAC planes as fare paying passengers. It has, therefore, been decided that the families of such personnel may be given an *ex gratia* payment at a uniform rate of Rs. 1,00,000 (*now Rupees five lakhs*—see *orders below*) in addition to the benefits admissible under the Extraordinary Pension Rules. This payment would be of a purely *ex gratia* nature. It will be sanctioned in each case with the concurrence of the Ministry of Finance.

The grant of the aforesaid *ex gratia* payment will be without prejudice to the bond required to be executed by civilian Government servants indemnifying Government against any claims on account of death, etc., while in flight by service aircraft.

[G.I., M.F., O.M. No. 19 (1)-E. V (A)/65, dated the 6th October, 1965; O.M. No. F. 23 (1)-E. V (A)/73, dated the 18th June, 1973; O.M. No. F. 25 (5)-E. V (A)/78, dated the 28th August, 1978 and G.I., Dept. of Per. & A.R., O.M. No. 23 (15)-E. V (A)/78, dated the 12th March, 1980.]

The provisions contained in the above decision shall apply to the following types of air journeys also, subject to such journeys being undertaken by a Government servant while on duty in public interest—

(*i*) Air journeys on test flights; and

(*ii*) Air journeys by non-scheduled flights in chartered planes.

[G.I., M.F., O.M. No. F. 23 (1)-E. V (A)/73, dated the 17th June, 1975.]

NOTE.—The term 'family' for the purpose of the aforesaid orders shall include wife, children and failing that, other legal heirs including parents of the deceased Government servant.

[G.I., M.F., O.M. No. F. 4 (12)-E. V/70, dated the 10th August, 1970.]

Ex gratia **payment raised to Rs. 2,00,000.**—The Ministry of Civil Aviation has already issued orders revising the rates of *ex gratia* payment to the families of personnel dying in the air accidents while travelling by the IAC planes from Rs. 1,00,000 to Rs. 2,00,000. The matter with regard to revising the *ex gratia* payment to the Government servants travelling by service aircrafts and dying in accidents has also been reconsidered, and it has now been decided to raise the limit of *ex gratia* payment in such cases from Rs. 1,00,000 to Rs. 2,00,000. The other conditions mentioned in the EOP Rules in such cases would remain unaltered. These instructions take effect from 1-11-1987.

[G.I., Dept. of P. & P.W., O.M. No. 46/1/87-P. & P.W., dated the 28th December, 1987.]

Ex gratia **payment further raised to Rs. 5,00,000.**—In the cases of Government servants dying in accidents while travelling by service aircrafts

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their families are given an *ex gratia* payment at a uniform rate of Rs. 2,00,000 in addition to the benefits admissible under the Extraordinary Pension Rules.

2. The Indian Airlines has since issued orders pursuant to Government of India, Ministry of Civil Aviation and Tourism, Notification No. S.O. 659 (E), dated the 22nd August, 1989, revising the rates of *ex gratia* payment to the families of personnel dying in the air accidents while travelling by the IAC planes from Rs. 2,00,000 to Rs. 5,00,000. The matter with regard to revising the *ex gratia* payment to the families of Government servants dying in accident while travelling by service aircrafts has also been reconsidered and it has now been decided to raise the limit of *ex gratia* payment in such cases from Rs. 2,00,000 to Rs. 5,00,000. The other conditions mentioned in the EOP Rules in such cases would remain unaltered.

3. These Instructions take effect from 1st October, 1989.

[G.I., Dept. of P. & P.W., O.M. No. 46/1/87-P. & P.W., dated the 24th January, 1990 and Corrigendum of even number, dated the 26th June, 1990.]

GUIDELINES FOR CONCEDING ATTRIBUTABILITY OF DISABLEMENT OR DEATH TO GOVERNMENT SERVICE

[*Ref.* Rule 3-A (2)]

1. Rule 3-A covers also cases of death after discharge/invaliding from service.

2. In deciding on the issue of entitlement, all the evidence (both direct and circumstantial) will be taken into account and the benefit of reasonable doubt will be given to the claimant. This benefit will be given more liberally to the claimant in field service cases.

3. *Post-discharge claims.*—Cases in which a disease did not actually lead to the Government servant's discharge from service but arose within 7 years thereafter may be recognised as attributable to service, if it can be established medically that the disability is a delayed manifestation of a pathological process set in motion by service conditions obtaining prior to discharge and that if the disability had been manifest at the time of discharge, the individual would have been invalided out of service on this account. In cases where an individual in receipt of a disability pension dies at home, and it cannot, from a strictly medical point of view, be definitely established that the death was solely due to the disablement in respect of which the disability pension was granted—

(*a*) the benefit of doubt in determining attributability, should go to the family of the deceased, if death occurs within 7 years from the date of his invalidment from service, unless there are other factors adversely affecting the claim; and

(*b*) if death takes place more than 7 years after the date of the man's invalidment from service, the benefit of doubt will go to the State.

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In cases where an individual outlives a normal span of life, i.e., where death takes place at the age of 60 or above, the death should be held to be due to normal causes and not to Government service.

NOTE.—Death of a disability pensioner, whose disablement has been accepted on the basis of aggravation, may also be accepted as due to Government service under Rule 3-A (1) (*b*) if the last assessment of disablement was 50 per cent, or above. If the last accepted assessment of disablement was less than 50 per cent, death should not be regarded as due to service.

The above procedure will apply when death is established as due to the disability in respect of which disability pension was granted. If this is not the case, the identification of the cause of death with the invaliding disability will first be determined in accordance with the provisions of the Guidelines. If the identity can be conceded thereunder, the procedure in the preceding sub-paragraph will be followed for determining the further point whether entitlement to extraordinary family pension can be conceded in a case where an invaliding disability was aggravated by service.

4. (*a*) (*i*) Injuries sustained when the man is 'on duty' will be deemed to have arisen in, or resulted from, Government service; but in cases of injuries due to serious negligence or misconduct, the question of reducing the disability pension will be considered.

(*ii*) In cases of self-inflicted injuries while on duty, attributability will not be conceded unless it is established that service factors were responsible for such action; in cases where attributability is conceded, the question of grant of disability pension at full or at a reduced rate will be considered.

(*b*) A person subject to the disciplinary code of the Central Armed Police Battalions, is 'on duty'—

(*i*) When performing an official task or a task, failure to do which would constitute an offence, triable under the disciplinary code, applicable to him.

(*ii*) When moving from one place of duty to another place of duty irrespective of the method of movement.

(*iii*) During the period of participation in recreation, organised or permitted by service authorities, and during the period of travelling in a body or singly under organized arrangements.

(*iv*) When proceeding from his duty station to his leave station on returning to duty from his leave station at public expenses, that is, on railway warrant, on cash TA (irrespective of whether railway warrant/cash TA is admitted for the whole journey or for a portion only), in Government transport or when road mileage is paid for the journey.

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[1][(*v*) When journeying by a reasonable route from one's official residence to and back from the appointed place of duty irrespective of the mode of conveyance, whether private or provided by the Government.]

(*c*) An accident which occurs when a man is not strictly 'on duty' as defined above, may also be attributable to service, provided that it involved risk which was definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of his service and that the same was not a risk common to human existence in modern conditions in India. Thus, for example, where a person is killed or injured by someone by reason of his belonging to an Armed Police Battalion (and in the course of his duty in such service, he had incurred wrath of such person) he shall be deemed to be 'on duty' at the relevant time.

This benefit will be given more liberally to the claimant in cases occurring on 'active service' as defined in the relevant Acts/Rules (e.g., those applicable to BSF/CRPF, etc., Personnel).

NOTE 1.—(*a*) Personnel of the Central Armed Police Battalions participating in (*i*) local/national/international sports tournaments as member of service teams, or (*ii*) mountaineering/gliding expeditions organised by the service authorities, with the approval of Government, will be deemed to be 'on duty' for purposes of the entitlement rules of disability and family pension.

(*b*) The above personnel participating in the above-mentioned sports tournaments or in privately organised mountaineering expeditions or indulging in gliding as a hobby, in their individual capacity, will not be deemed to be 'on duty' for purposes of those rules, even though prior permission of the competent service authorities may have been obtained by them.

(*c*) Injuries sustained by the above personnel in impromptu games and sports outside parade hours, which are organised by, or with the approval of, the local service authority, and deaths arising from such injuries will be regarded as having occurred while 'on duty' for purposes of these rules.

NOTE 2.—The above personnel deputed for Training Courses conducted by the Himalayan Mountaineering Institute, Darjeeling, or other similar recognised institutes, shall be treated on par with personnel attending other authorised professional courses or exercises for the services for the purpose of the grant of disability/family pensions on account of disability/death sustained during the courses.

1. Substituted by G.I., Dept. of P. & P.W., O.M. No. 33/1/89-P. & P.W. (K), dated the 22nd January, 1992.

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5. *In respect of diseases, the following rules will be observed*:—

(*a*) Cases, in which it is established that conditions of Government service did not determine or contribute to the onset of the disease but influenced the subsequent course of the disease, will fall for acceptance on the basis of aggravation.

(*b*) A disease which has led to an individual's discharge or death will ordinarily be deemed to have arisen in service if no note of it was made at the time of the individual's acceptance for Government service. However, if medical opinion holds, for reasons to be stated, that the disease could not have been detected on medical examination prior to acceptance for service, the disease will not be deemed to have arisen during service.

(*c*) If a disease is accepted as having arisen in service, it must also be established that the conditions of Government service determined or contributed to the onset of the disease and that the conditions were due to the circumstances on duty in Government service.

(*d*) In considering whether a particular disease is due to Government service, it is necessary to relate the established facts, in the aetiology of the disease and of its normal development, to the effect that conditions of service, e.g., exposure, stress, climate, etc., may have had on its manifestation. Regard must also be had to the time factor (Also *see* Schedule I-A).

(*i*) Common diseases known to be affected by exposure to weather

Diseases such as Bronchitis, Rheumatism and Nephritis—indeed most diseases of the respiratory system, joints and kidneys—are affected by climatic conditions. The period and the conditions of service at any particular place should be taken into account in determining causal connection with service.

(*ii*) Common diseases known to be affected by stress and strain

This should be decided with due reference to the nature of the duties which the individual has had to perform in Government service. It may be that in some cases the individual had been engaged on sedentary duties, when they will normally not qualify.

(*iii*) Diseases endemic to certain areas

Diseases such as Malaria, Kalazar, Filariasis, Dysentery, Cholera, etc., are endemic in certain areas. These diseases may also be introduced by movements of infected persons.

In determining causal connection with service, it will have to be established that the conditions of Government service exposed the individual to the infections as a result of which he contracted the disease. Where there is medical evidence of the contraction of the diseases either prior to entry into service, or while off duty or on leave or desertion or unauthorised

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absence, etc., attributability should not be accepted, unless the disease occurs within the incubation period.

(*iv*) **Diseases due to infections in service**

Entitlement to pension will be admitted if the exposure to infection arose from the circumstances of the member's Government service.

(*v*) **Diseases known to be affected by dietary compulsions**

The compulsions of service would also cover such cases as gastric disorders, e.g., gastritis, gastric and duodenal ulcers, where it is established that the member was unable to follow a dietary regime required for his condition. The effect of service in such cases will be limited essentially to the question of aggravation of a pre-existing constitutional condition. This will not normally apply to individuals in sedentary occupation.

(*vi*) **Diseases which run their course independently of external circumstances**

There are certain diseases which would have run the same course whether the individual had been in Government service or not, e.g., Leukaemia, Hodgkin's disease, etc. (*See* Part II of Schedule I-A). Such cases will not be accepted as aggravated by service unless it is clear that owing to exigencies of service, the man did not receive treatment of a satisfactory character and standard or such treatment was so delayed, as to be less effective than it should have been.

(*vii*) **Venereal Diseases**

(1) Venereal disease will normally be rejected but a sequela of the disease may sometimes be accepted as aggravated by service. In the case of such disease contracted during service, grounds for acceptance will rarely be found unless the member after treatment had returned to full duty and had been subjected to such strain as would produce one of the after effects of the disease sooner than would have normally been the case. The strain must have been of an exceptional nature.

(2) In the case of disease contracted before service if the member had reached an age when such a manifestation could be accepted, entitlement will not be conceded. On the other hand, if the later manifestation had been produced or hastened by the strain of service in which case there should be evidence that the strain was of an exceptional nature, entitlement may be considered on the basis of aggravation.

(3) In the case of disease due to heredity, entitlement must be determined as in Para. (2) above.

(4) The above refers only to late manifestations or sequela of venereal disease as Neuro Syphilis or Cardio-vascular syphilis.

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(*viii*) **Invalidation on account of indulgence in drugs or drinks**

Entitlement shall not be conceded if the disability or death on which the claim is based, resulted from indulgence in drugs or drinks which was within one's own control.

6. *Unforeseen effects of service medical treatment.*—

(*a*) Whether unforeseen complications arise as a result of treatment (including operative treatment) given for the purpose of rendering a member fit for service duties, any disablement resulting will normally be accepted as attributable to service.

(*b*) Where the treatment is given for other reasons, the position regarding any unforeseen complications differs according as the condition which necessitated treatment was or was not, either attributable to or aggravated by service. If it was so attributable or aggravated any disablement resulting from the treatment it will normally be accepted as attributable to service. If it was not, no responsibility will be accepted for the additional disablement unless neglect, delay, faulty technique or lack of reasonable skill can be held responsible for the untoward outcome, or the exigencies of service before, during or after the treatment can be held to have caused or aggravated the condition.

(*c*) The above considerations apply whether the treatment is given in a service hospital or under service arrangements in any other hospital but will not apply if the treatment is undertaken under private arrangement by an individual.

7. *Assessment.*—

(*a*) The assessment of a disability is the estimate of the degree of disablement it causes, which can properly be ascribed to service as defined below.

(*b*) The disablement properly referable to service will be assessed as under—

(*i*) *At the time of discharge from the Government service**.—

Normally the whole of the disablement then caused by the disability. This rule will apply irrespective of whether the disability is actually attributable to service, or is merely aggravated thereby. In the latter event, part of the disablement on discharge may have been present before service and/or may have been brought about by the natural progress of the disability during service. But as it is impossible, for so long as the strain and stress of service continues, to apportion quantitatively the effects of service and non-service factors, the entire disablement at the time of discharge will be taken into account. For example:

*Special consideration should be given to cases in which the disablement has been or may have been worsened by the improper or excessive use of alcohol, tobacco or drugs or by venereal disease. In such cases, the effects of these will be excluded in assessing disablement ascribable to service.

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(1) Where a person who had a partially disabled hand, sustains an injury to the same hand which renders it less useful than before, or a person with an impaired foot injures the other as a result of service, thus increasing his defect in locomotion; or

(2) Where a person gives history of cough and cold prior to enrolment and is invalided out of service for Chronic Bronchitis held to be aggravated by service, pension will be admissible for the total disablement.

(*ii*) *On re-survey of disability after discharge from the service.*—

The whole of the disablement then caused by the disability, less the following:—

(1) The part due to non-service factors, such as individual habits, occupation in civil life, accident after discharge, climatic environment after discharge;

(2) Any worsening due to the natural progress of the disability since discharge apart from the effects of service.

Deduction (1) will be made in all cases; while deduction (2) above will apply only in cases where the disability is accepted as aggravated by, but not attributable to, service.

(*c*) In cases accepted as aggravated by service, although a percentage of disablement, equal to more than 20 per cent, may be assessed on medical resurvey, after discharge from service, in accordance with para. (*b*) (*ii*) (2) above, disability pension will cease to be payable as soon as the effects of the aggravation by service have passed away, e.g., where a person with disease, e.g., Fibrositis, Bronchitis, Eczema, etc., held to be aggravated by service, is invalided out and on resurvey was found by the Medical Board to have been restored (*a*) to his pre-service condition or (*b*) the condition in which he may have been normally at that time even if he had not joined Government service, aggravation by service will be deemed to have passed away.

(*d*) Paired organs,—

(*i*) Paired organs, namely, eyes, ears, arms and legs shall be considered together, where disablement due to service occurs in one of a pair of organs, assessment on discharge will be made with reference to the diminution of the functional capacity of the organs working together. Therefore, assessment will include functional defect of the pair of organs.

(*ii*) Subject to the exceptions specified below, any subsequent increase in the non-service disablement and non-service disablement arising after discharge whether due to injury or disease will be excluded from the assessment.

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(*iii*) Cases arise in which at the time of discharge, there is damage by service to one only of the paired organs (namely, eyes, ears, arms including hands) and legs (including feet) and the other is, either normal or impaired in a minor degree. Where the disablement acceptable under clause (*ii*) above and the disablement of the other limb or organ are together assessable at any subsequent date at 100% the assessment for pension purposes will be increased by one half of the difference between the current assessment and 100 per cent. For instance, a pensioner receiving an award at the 40% rate for the loss of an eye who later loses the sight of his other eye through a non-service cause, will have his award increased to 70% rate; and a pensioner with an award at 80% for a gunshot wound of an arm, who later develops severe arthritis of his other arm, thereby being 100% disabled, will qualify for a revised award at 90% rate. Where the combined disablement of the pair of organs is less than 100%, but is more than twice as serious as the disablement acceptable under clause (*ii*) above, the assessment will be increased to one half of the combined disablement. If, for example, a pensioner with an award at 30% rate for the loss of vision of one eye partially loses the sight of the other eye through a non-service cause, and the defective vision of both eyes together is assessable at 80%, his award will be increased to the 40% rate.

(*iv*) The provisions of the preceding sub-clause are applicable even where the second of a pair of organs has been disabled by some generalised disability (e.g., rheumated arthritis) which would have also disabled the first of the pair if it had not been lost or damaged as the result of service.

(*e*) Composite assessments.—

Where there are two or more disabilities due to service, compensation will be based on the composite assessment of the degree of disablement. Generally speaking, when separate disabilities have entirely different functional effects, the composite assessment will be the arithmetical sum of their separate assessments. But where the functional effects of the disabilities overlap, the composite assessment will be reduced in proportion to the degree of overlapping.

(*f*) Nil disablement.—

Where, although a definite disability is or has been in evidence, the Medical Board consider that any disablement resulting therefor has ceased or has become so small as not to admit of assessable compensation, the assessment will be expressed as "nil disablement".

(*g*) Where the disability due to service has no connection with pre-existing disability, as for example, a person who had lost a finger prior to enlistment, loses a great toe by service, compensation will be restricted to the loss of the great toe only.

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SCHEDULE I

[*See* Rule 3 (3)]

Sl. No.	Description of Injury	Percentage of loss of earning capacity
	PART I	
	List of Injuries deemed to result in Permanent Total Disablement	
1.	Loss of both hands or amputation at higher sites ...	100
2.	Loss of a hand and a foot	100
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot...	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	100
5.	Very severe facial disfigurement	100
6.	Absolute deafness	100
	PART II	
	List of Injuries deemed to result in Permanent Partial Disablement	
	AMPUTATION CASES—UPPER LIMBS (either arm)	
1.	Amputation through shoulder joint	90
2.	Amputation below shoulder with stump less than 8″ from tip of acromion	80
3.	Amputation from 8″ from tip of acromion to less than 4½″ below tip of olecranon	70
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4½″ below tip of olecranon...	60
5.	Loss of thumb	30
6.	Loss of thumb and its metacarpal bone	40
7.	Loss of four fingers of one hand	50
8.	Loss of three fingers of one hand	30
9.	Loss of two fingers of one hand	20
10.	Loss of terminal phalanx of thumb	20
	AMPUTATION CASES—LOWER LIMBS	
11.	Amputation of both feet resulting in end-bearing stumps	90
12.	Amputation through both feet proximal to the metatarse-phalangeal joint	80

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Sl. No.	Description of Injury	Percentage of loss of earning capacity
13.	Loss of all toes of both feet through the metatarso-phalangeal joint	40
14.	Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
15.	Loss of all toes of both feet distal to the proximal interphalangeal joint	20
16.	Amputation at hip	90
17.	Amputation below hip with stump not exceeding 5″ in length measured from tip of great trenchanter ...	80
18.	Amputation below hip with stump exceeding 5″ in length measured from tip of great trenchanter but not beyond middle thigh	70
19.	Amputation below middle thigh to 3½″ below knee ...	60
20.	Amputation below knee with stump exceeding 3½″ but not exceeding 5″	50
21.	Amputation below knee with stump exceeding 5″ ...	40
22.	Amputation of one foot resulting in end-bearing ...	30
23.	Amputation through one foot proximal to the metatarsephalangeal joint	30
24.	Loss of all toes of one foot through the metatarse-phalangeal joint	20
	OTHER INJURIES	
25.	Loss of one eye, without complications, the other being normal	40
26.	Loss of vision of one eye, without complications or disfigurement of eye ball, the other being normal ...	30
	LOSS OF—	
	A. FINGERS OF RIGHT OR LEFT HAND	
	Index Finger	
27.	Whole	14
28.	Two phalanges	11
29.	One phalanx	9
30.	Guillotine amputation of tip without loss of bone ...	5

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Sl. No.	Description of Injury	Percentage of loss of earning capacity
	Middle Finger	
31.	Whole	12
32.	Two phalanges	9
33.	One phalanx	7
34.	Guillotine amputation of tip without loss of bone ...	4
	Ring or Little Finger	
35.	Whole	7
36.	Two phalanges	6
37.	One phalanx	5
38.	Guillotine amputation of tip without loss of bone ...	2
	B. TOES OF RIGHT OR LEFT FOOT	
	Great Toe	
39.	Through metatarso-phalangeal joint	14
40.	Part, with some loss of bone	3
	Any other Toe	
41.	Through metatarso-phalangeal joint	3
42.	Part, with some loss of bone	1
	TWO TOES OF ONE FOOT, EXCLUDING GREAT TOE	
43.	Through metatarso-phalangeal joint	5
44.	Part, with some loss of bone	2
	THREE TOES OF ONE FOOT, EXCLUDING GREAT TOE	
45.	Through metatarso-phalangeal joint	6
46.	Part, with some loss of bone	3
	FOUR TOES OF ONE FOOT, EXCLUDING GREAT TOE	
47.	Through metatarso-phalangeal joint	9
48.	Part, with some loss of bone	3

NOTE.—Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

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SCHEDULE 1-A

[*See* Rule 3 (4)]

I. LIST AND CLASSIFICATION OF DISEASES WHICH CAN BE CONTRACTED BY SERVICE

A. Diseases affected by climatic conditions

(*i*) Pulmonary Tuberculosis.
(*ii*) Pulmonary Oedema.
(*iii*) Pulmonary Tuberculosis with pleural effusion.
(*iv*) Tuberculosis—Non-pulmonary.
(*v*) Bronchitis.
(*vi*) Pleurisy, empyema, lung abscess and bronchiectasis.
(*vii*) Lobar pneumonia.
(*viii*) Nephritis (acute and chronic).
(*ix*) Otitis Media.
(*x*) Rheumatism—acute.
(*xi*) Rheumatism—chronic.
(*xii*) Arthritis.
(*xiii*) Myalgia.
(*xiv*) Lumbago.
(*xv*) Frost-bite leading to amputation of limb/limbs.
(*xvi*) Heat Stroke.

B. Diseases affected by stress and strain

(*i*) Psychosis and Psychoneurosis.
(*ii*) Hyperpiesia.
(*iii*) Hypertension (BP).
(*iv*) Pulmonary Tuberculosis.
(*v*) Pulmonary Tuberculosis with pleural effusion.
(*vi*) Tuberculosis—Non-pulmonary.
(*vii*) Mitral Stenosis.
(*viii*) Pericarditis and adherent pericardium.
(*ix*) Endo-carditis.
(*x*) Sub-acute bacterialendo-carditis, including infective endo-carditis.
(*xi*) Nyocarditis—acute or chronic.
(*xii*) Valvular disease.

C. Diseases affected by dietary compulsions

(*i*) Infective hepatitis (Jaundice).
(*ii*) Diseases of stomach and deodenum.
(*iii*) Worm infestations particularly Guinea worm and round worm infections.

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(*iv*) Gastritis.
(*v*) Food poisoning, specially due to tinned food.
(*vi*) Gastric ulcer.
(*vii*) Duodenal ulcer.
(*viii*) Nutritional Disorders.

D. Diseases affected by training, marching, etc.

(*i*) Tetanus, erysipelas, septicaemia and pyaemia, etc., resulting from injuries.
(*ii*) Varicose veins.
(*iii*) Ankylosis and acquired deformities resulting from injuries.
(*iv*) Hernia.
(*v*) Post-traumatic epilepsy and other mental changes resulting from skull injury.
(*vi*) Internal derangement of knee joint.
(*vii*) Burns sustained through petrol fire, kerosene oil, etc., leading to scars and various deformities and disabilities.
(*viii*) Deformities of feet.

E. Environmental Diseases

(*i*) Diseases contracted in the course of official duty of attending to a venereal or septicaemic patient or conducting a post-mortem examination.
(*ii*) Diseases contracted on account of handling poisonous chemicals and radiation equipment.

II. DISEASES NOT NORMALLY AFFECTED BY SERVICE

(*i*) Malignant disease: Cancer and Carcinoma.
(*ii*) Sarcoma (except in cases of sarcoma of bone with a history of injury, due to service, on the site of development of the growth).
(*iii*) Epithelioma.
(*iv*) Rodent ulcer.
(*v*) Lymphosarcoma.
(*vi*) Lymphadenoma (Hodgkin's disease).
(*vii*) Leukaemia.
(*viii*) Pernicious anaemia (Addison's anaemia).
(*ix*) Ostoitis deformana (Paget's disease).
(*x*) Gout.
(*xi*) Acromegaly.
(*xii*) Corrhosis of the liver—if alcoholic.

EYES

(*xiii*) Errors of refraction.
(*xiv*) Hypermetropia.

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(*xv*) Myopia.

(*xvi*) Astigmatism.

(*xvii*) Preshyopia Glaucoma—acute or chronic, unless there is a history of injury due to service or of disease of the eye due to service.

SCHEDULE II

[*See* Rule 9 (2)]

DISABILITY PENSION

Not printed. See *Decision* (1)

SCHEDULE III

[*See* Rule 10]

EXTRAORDINARY FAMILY PENSION

Not printed. See *Decision* (1)

SCHEDULE IV

[*See* Rule 13 (4) (*ii*)]

[Forms 'A', 'B', 'C', 'D' & 'E']

FORM A

FORM OF APPLICATION FOR DISABILITY PENSION

1. Name of the applicant and full Office address ...
2. Father's name ... ...
3. Full Residential address (showing village, Post Office, District, State)... ... ...
4. Present or last employment, including full particulars and address of the Establishment ... ...
5. Date of entry into service ... ...
6. Full particulars of service and length of service, including interruption (both qualifying and non-qualifying) ...
7. Percentage of Disability sustained due to Injury/Disease (as certified by the Medical authorities) and circumstances which resulted in that disability ... ...
8. Pay at the time of injury sustained, disease contracted (as certified by the Medical Authorities) ... ...
9. Pension claimed ... ...
10. Date of injury/disease (as certified by the Medical Authorities) ... ...
11. Place of Payment ... ...
12. Other relevant information, if any ... ...
13. *Date of applicant's birth by Christian era ...

*If not known exactly, please state on the best information or estimate and according to the best of your knowledge and belief.

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14. Height ... ...
15. Identification Marks ... ...
16. Thumb and finger impressions:
Thumb.....Fore-finger.....Middle-finger.....
Ring-finger.....Little-finger.....

Place: Date: .....

Date on which the applicant applied for pension:

Applicant

.....

Head of Office

NOTE.—Thumb and finger impressions and particulars of height and personal marks are not required to be given by such ladies, Gazetted Officers, Government title-holders and other persons as are specifically exempted, by the Government by special orders in that behalf.

FORM B

[Rule 13 (4) (*ii*)]

FORM OF APPLICATION FOR FAMILY PENSION

Application for Extraordinary Pension for the family of the late Shri/Shrimati..... .....killed or died of $\frac{\text{Injury/Disease}}{\text{Injuries/Diseases}}$ claimed as being attributable to Government service.

I. Information regarding the claimant

1. Full name and address, residence (showing village, Post Office, District, State) ... ...
2. Age and date of birth ... ...
3. Height ... ...
4. Identification Marks ... ...
5. Present occupation and pecuniary circumstances ...
6. Degree and nature of relationship with the deceased...

II. Information regarding the deceased

7. Full name, Father's name, residence (indicating village, Post Office, District, State) ... ...
8. Particulars of post and service with full name and address of the Establishment ... ...
9. Full particulars of service, length of service, etc. ...
10. Pay at the time of death ... ...
11. Date of birth ... ...
12. Age at the time of death ... ...
13. Nature of $\frac{\text{Injury/Disease}}{\text{Injuries/Diseases}}$ causing death (as per the Certificate of the Medical Authorities) and the circumstances in which the same resulted ...

III. Other Information

14. Amount of pension, etc., claimed ... ...
15. Place of payment ... ...

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16. Date from which benefit(s) claimed ... ...

17. Other relevant information, if any ... ...

IV. Names and ages of *surviving kindred of the deceased

Relation	*Name*	*Date of birth by Christian era*
Sons:		
Widows:		
Daughters:		
Father:		
Mother:		

(Place)

(Date) .....

Claimant

NOTE 1.—Please strike out the word or words not applicable.

NOTE 2.—If the deceased has left no son, widow, daughter, father or mother surviving him, the word "none" or "dead" should be entered opposite to such relative.

.....

Head of Office

Place: Date:..... Seal

FORM C

(*Form to be used by the Medical Board when reporting on Injuries/Diseases/Death*)

[Rule 13 (4) (*iii*)]

Instructions to be observed by the Medical Board while preparing the Report

(1) The Medical Board before recording their opinion should invariably consult the proceedings of the previous Medical Board, if any, as also all previous Medical/Hospital documents connected with the Government servant brought before them for examination, or who has died.

(2) If the injuries/diseases be more than one, they should be numbered separately, giving percentage of disability for each, with full details.

(3) In answering the questions in the prescribed Form, the Medical Board will confine itself exclusively to the medical aspect of the case, and will carefully discriminate between the Government servant's/claimant's unsupported statements and the documentary evidence available.

(4) The Medical Board will not express any opinion, either to the Government servant examined (or any of his relatives or friends, etc.) or in their Reports, as to whether he or his family is entitled to compensation or as to the amount of it, nor will it inform the Government servant or any other person connected with the Government servant of anything about the nature of the Medical Report given by it.

---

*The term 'child' includes a posthumous child of the Government servant and is covered by the term surviving kindred.

[G.I., M.F., U.O. No. 9614-E. V/66, dated the 2nd January, 1967.]

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(5) The Medical Board shall give their Report herein below in the light of the provisions of O.M. No. 23 (15)-E. V (A)/73-Main & Pt. I., dated the 20th January, 1978 [Decision (1)], particularly Schedules I and I-A, IV and the Appendix thereto.

(6) The Report of the Medical Board, on each occasion, shall be supported by all the necessary and full Medical and Hospital documents which shall be maintained and preserved for reference, from time to time, as may be necessary, until the same would no longer be required for reference.

Proceedings of the Medical Board

CONFIDENTIAL

Proceedings of the Medical Board assembled by the order of.....for the purpose of examining and reporting on—

(*i*) the present state of the $\frac{\text{Injury/Disease}}{\text{Injuries/Diseases}}$ sustained/contracted by, or

(*ii*) death of, Shri/Shrimati.....on the.....(please give date, month and year)

(*a*) State briefly the circumstances under which the $\frac{\text{Injury/Disease}}{\text{Injuries/Diseases}}$ was/were sustained/contracted or death occurred and the date thereof:

(*b*) What is the Government servant's present condition?

(*c*) Is the Government servant's—

(*i*) present condition, or

(*ii*) death

wholly due to $\frac{\text{Injury/Disease}}{\text{Injuries/Diseases}}$ and reason as claimed?

If so, please explain fully how.

If not, please state to what other causes the same is/are attributable.

(*d*) From which date it appears that the Government servant $\frac{\text{has been}}{\text{was}}$ incapacitated on that account:

(*e*) Which is the date of injury/disease/death:

The opinion of the Board upon the questions below is as follows:—

PART A. FIRST EXAMINATION

1. The percentage of disability due to $\frac{\text{Injury/Disease}}{\text{Injuries/Diseases}}$ is.....%

[Please give herein below full details/justification about the nature of the $\frac{\text{Injury/Disease}}{\text{Injuries/Diseases}}$ and for percentage of disability certified, supported by full/all medical and hospital documents with reference to Schedule I and I-A to the CCS (EOP) Rules.]

2. For what period from the date of $\frac{\text{Injury/Disease}}{\text{Injuries/Diseases}}$

(*a*) has the Government servant been unfit for duty? From To

(*b*) is the Government servant likely to remain unfit for duty?... ... ... From To

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3. Other relevant information, if any.

Place: .....

Presiding Officer of the Medical Board

Date: .....

Member of the Medical Board

.....

Member of the Medical Board

PART B. SECOND OR SUBSEQUENT EXAMINATIONS

1. If the original degree of disability of the Government servant has changed, what is the percentage of disability now?

(Please give here details of justification in support of your view along with all further Medical and Hospital documents in full.)

2. For what period from the date of $\frac{\text{Injury/Disease}}{\text{Injuries/Diseases}}$

(*a*) has the Government servant been unfit for duty?...

(*b*) is the Government servant likely to remain unfit for duty? ... ...

Place: .....

Presiding Medical Officer of the Medical Board

Date: .....

Member of the Board

.....

Member of the Board

NOTE.—Please score out the word/words not applicable.

FORM D

(Please *see* also Forms 'C' and 'E')

REPORT ON ACCIDENTAL AND SELF-INFLICTED INJURIES

1. Declaration by the injured person.

I, ...(*Number, rank, name and unit*) hereby declare that the injury sustained by me on..... $\frac{\text{did*}}{\text{did not*}}$ occur while I was in the performance of Government duty.

*Strike out whichever is not applicable.

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....

(*Medical Officer before whom the declaration is made*) (*Injured person*)

Station.....Date..... Station.....Date.....

2. Nature, location and severity of injury

NOTE.—Hospital to be notified at once if wound is believed to be self-inflicted.

.....

(*Medical Officer*)

3. Short statement of the circumstances of the case

(Signed statements of witnesses giving a detailed account of the circumstances of the accident must be attached to this Form. Place or sketch of place of accident and how it occurred in cases of lorry, motor car or cycle accidents.)

4. Opinion of the Commandant/Head of Office

(*a*) (*i*) Was the individual in the course of performance of an official task or a task the failure to do which would constitute an offence triable under the disciplinary code applicable to him? (Indicate the nature of the task, by whom it was ordered and when) ... ...

or

(*ii*) Did the accident occur during the journey or transport by a reasonable route under organised arrangements from the individual's quarter to or back from an appointed place of duty? Cite and attach copies of standing instructions or other orders in support, if the journey or transport was officially organised, also a sketch showing the reasonable route from the individual's quarter to the place of duty ... ...

or

(*iii*) Was the individual participating in recreation organised or permitted by service authorities? Indicate the nature of the recreation, e.g., PT Exercises including games. In case of games and sports out of parade hours, cite and attach copy of official orders to indicate that it was organised or permitted by competent authority ...

or

(*iv*) Was the individual travelling either in a body or singly under organised arrangements? (Cite and attach copy of official orders to indicate that the arrangements were organised by competent authority) ... ...

or

(*v*) Was the individual proceeding to his leave station or returning to duty from his leave station? In either case, was the journey at public expense or was performed on concession voucher or at individual's own expense? [Give—

(1) the dates of commencement and termination of the period of leave; ... ...

(2) the name of the leave station; and ...

(3) particulars of the direct route from the place of duty to or from the leave station.]

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(*b*) Was the accident due wholly/partially to:

(*i*) serious negligence ... ...

and/or

(*ii*) misconduct of the individual? (Indicate the nature of the serious negligence or misconduct and the grounds on which the opinion is based) ...

(*c*) Was any one else to blame for the accident? (If so, indicate how and to what extent) ... ...

(*d*) Was the individual under the influence of intoxicating drink or drug at the material time? ... ...

(*e*) Has any Court of Enquiry been held or will be held? [If so, indicate the date and the place of the enquiry, and attach the Enquiry Report (in original)]* ...

Station.....

.....

Officer Commanding

Date.....

Head of Office

5. The injury/disability/death occurred in peace/field/operational Area and is/is not attributable to Government service.

.....

†*Head of State/Frontier DG*

Date.....Station.....

Head of Office

Head of Department

FOR USE ON FIELD SERVICE ONLY (Items 6-8)

(*To be completed in all field service cases where injuries are, or are suspected to be self-inflicted*)

6. (*a*) Opinion of the Unit Commander ... ...

(*b*) Disciplinary action taken, or proposed, whether against injured individual or another ... ...

.....

Commandant of Unit

To

Dy. I.G.,
State

7. Forwarded with reference to my casualty signal No....., dated.....

Dated.....

.....

Commanding DIG
State

To

I.G.,
Frontier,
DECISION OF I.G.,_____

8. The casualty should be reported as.....

.....

Date.....

.....

General Officer
Commanding IG, Frontier

To

D.G.,_____

NOTE.—If the IG decides that the casualty is to be reported as self-inflicted, he should indicate how far he concurs with the opinions expressed above.

*In all cases of death, Court of Enquiry must be held; so also in respect of disability exceeding 20%.

†To be completed and signed by OC unit if injury is not severe and no Court of Enquiry is held.

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FORM E

[*See* also Forms 'C' and 'D']

FORM FOR REPORT ON CASES (OTHER THAN THOSE DUE TO INJURIES) WHICH HAVE ENDED FATALLY OR ARE PROPOSED FOR INVALIDING

PART A

(*To be filled by the M.O.*)

Station.....

Date.....

Name.....Service No.....Designation.....Unit.....
Service.....Force.....Other full service particulars and office address, etc.....Disability.....
Outcome of the case, i.e., died or to be invalided.....

.....

Medical Officer

PART B

(*To be answered by the Officer Commanding Unit*)

Circumstances of the case

1. Was the individual in your opinion of average physique and stamina when he joined the unit? ... ...
2. (*a*) Was the individual, as far as you are aware, in his normal health prior to the onset of the illness? ... ...
   (*b*) If you are aware of any previous illness from which he suffered (which is not recorded in his medical history), state its nature and duration ... ...
3. Was the individual employed on sedentary duties/sheltered occupation? If so—
   (*a*) had he to do PT and/or Parades? ... ...
   (*b*) was he doing it regularly prior to falling ill or had been exempted therefrom on account of ill-health? If so, from which date? ... ...
4. (*a*) (*i*) Mention any circumstances of exposure giving details thereof, and/or ... ...
   (*ii*) State periods and conditions of service, at any particular place, which you consider caused or aggravated the illness ... ...
   (*b*) (*i*) Give the nature of duties he had to perform in Government service ... ...
   (*ii*) Was he subject to stress and strain by such duties? If so, was it of an exceptional nature? Give details ...
   (*c*) Diseases endemic to certain areas or disease due to infection:
   (*i*) If disability or death was due to infection, is there any evidence that the exposure was due to negligence or misconduct on his part? ... ...
   (*ii*) Did he live in unit lines or was he permitted to live outside with his family? ... ...
   (*iii*) How many out-passes was he granted during the previous month and what was the date of the last out-pass?

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(*iv*) Was the disease endemic to the area he was serving in and during this period or immediately preceding it were there other cases of the same disease in the unit? If so, give the number of such cases, details of movements of infected persons and state any other circumstances which might have been responsible for the disease...

(*v*) Give the date of last leave and places where the leave was spent. Did illness start during leave? If shortly after return from leave, state date on which the illness commenced ... ...

(*d*) Venereal Diseases (Further information on the points mentioned below)—

(*i*) When was it contracted ... ...

(*ii*) Period of treatment ... ...

(*iii*) Whether after treatment the man returned to full duty?

(*iv*) Whether after return to duty post hospital surveillance and treatment was continued according to existing regulations ... ...

(*v*) After return to duty, was the man subject to any stress of an exceptional nature? If so, mention the nature of exceptional stress ... ...

5. Do you consider that the death or disability was attributable to or aggravated by service? ... ...

Date.....

.....

Officer Commanding

Head of the Office

Head of the Department

PART C

(*To be completed by Medical Officer concerned in all death cases*)

(*i*) How many cases of this disease were treated during six months prior to admission of this individual? ... ...

(*ii*) How many cases of this disease were received from this unit? Give details of such patients in chronological order ...

(*iii*) Was the infection endemic or was there any outbreak of it in the local garrison? ... ...

(*iv*) Was there an outbreak of the disease in the neighbouring city or village? ... ...

(*v*) What is your view of the source of infection? In all cases state whether you consider the death was attributable to or aggravated by service and give the reasons on which you base your opinion

.....

Commanding Officer, Hospital

1. Chief Medical Officer, Presiding Officer of the Medical Board.
2. Medical Officer, Member of the Medical Board.
3. Medical Officer, Member of the Medical Board.

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APPENDIX 4

LIBERALISED PENSIONARY AWARDS IN THE CASE OF DEATH/DISABILITY AS A RESULT OF (*i*) ATTACK BY OR DURING ACTION AGAINST EXTREMISTS, ANTI-SOCIAL ELEMENTS, ETC. AND (*ii*) ENEMY ACTION IN INTERNATIONAL WAR OR BORDER SKIRMISHES

Consolidated orders on Pensionary Awards in the case of death/disability as a result of (*i*) attack by or during action against extremists, anti-social elements, etc. and (*ii*) enemy action in International War or Border Skirmishes

(*Effective from* 1*st January,* 1986)

[Government of India, Department of Pension & Pensioners' Welfare, O.M., No. 33/5/89-P. & P.W. (K), dated the 9th April, 1990.]

A number of instructions have been issued from time to time on the subject mentioned above, the last in the series being those contained in O.M. No. 2/6/87-PIC (II), dated 7-8-1987 (*Not printed*), in implementation of Government's decision on the recommendations of the Fourth Central Pay Commission. A need has, therefore, been felt to consolidate these instructions into a single order. For facility of reference in application these instructions have been re-arranged in succeeding paragraphs under suitable subject heads.

2. Applicability

(1) These orders apply to all Civilian Central Government servants, who are governed by the Central Civil Services (Extraordinary Pension) Rules.

(2) These orders also apply to Civilian Central Government servants governed by the Workmen's Compensation Act, 1923, subject to certain adjustments being made as provided in paragraph 9.

3. Scope

(1) These orders apply to Government servants killed or disabled—

(*a*) as a result of action in international wars;

(*b*) as a result of fighting in war-like operations or border skirmishes with any country.

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(*c*) while fighting against armed hostiles;

(*d*) during laying or clearance of mines including enemy mines as also mines sweeping operations between one month before the commencement and three months after the conclusion of the operations;

(*e*) as a result of attack by extremists, anti-social elements, etc., or during action against dacoits, smugglers, hostiles, etc.

NOTE.—It has been decided that the Liberalised Pensionary Awards as modified shall be extended to casualties suffered by the civilian Central Government employees assisting the IPKF in Sri Lanka.

[G.I., Dept. of P. & P.W., O.M. No. 33/1/87-P. & P.W., dated the 30th December, 1987.]

(2) The benefits under these orders will be restricted only to those cases where the death/disability is directly caused by actual operations. The following illustrations are mentioned for guidance of sanctioning authorities to determine whether the benefits under the scheme are attracted or not. In case of any doubt cases shall be referred to the Department of Pension and Pensioners' Welfare.

Illustration I

Officers of Income Tax/Custom/Excise/Police proceed to carry out a raid. If on the way, any member of the team meets with an accident while travelling in a public/private/official vehicle or otherwise, the family shall not be allowed the benefit of these orders as the injury/death in such a case is not due to any actual operation . However, if any officer/member of the raiding party gets killed/injured as a result of attack by members of the opposite party, family of such a civil servant shall be entitled to the benefits of these orders.

Illustration II

A team of Police/Armed Police members is deployed on duty during *agitations*. The agitation does not turn violent but the civil servant dies because of, say, heart failure, and not due to any attack by the crowd. The widow of such a civil servant shall not be entitled to the benefits of these orders. However, where a team of civil servants including police personnel are deployed to contain an agitation by extremists, etc., and death of any civil servant takes place as a result of violence during such an agitation, the widow of the deceased shall be entitled to the benefits under these orders.

Illustration III

Any anti-social element/extremist, etc., deliberately kills/injures any civil servant *with a view to spread terror*. The widow of such a deceased civil servant shall be allowed the benefit of these orders.

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(3) If a Government servant having sustained an injury is invalided out of service with a disability pension under these orders but dies subsequently as a result of the same injury, he will be deemed to have been killed in action and the awards under these orders will be admissible to the family from the date following the date of his death.

4. Benefit to the family in the event of the Death of the Government Servant

(1) If the Government servant is survived by the widow she will be entitled to family pension equal to the pay last drawn by the deceased Government servant. The said family pension shall be admissible to her for life or until her remarriage.

(2) In the event of remarriage of the widow family pension will be allowed at the rates of family pension and subject to the conditions laid down for family pension under the CCS (Pension) Rules, 1972, from the date following the date of her remarriage.

(3) If the Government servant is not survived by widow but is survived by child/children only, all children together shall be eligible for family pension at the following rates:—

Basic Pay of Government servant on the date of death	Monthly family pension
(*i*) Not exceeding Rs. 1,500 ...	50% of basic pay.
(*ii*) Exceeding Rs. 1,500 but not exceeding Rs. 3,000 ...	40% of basic pay subject to a minimum of Rs. 750
(*iii*) Exceeding Rs. 3,000 ...	30% of basic pay subject to a minimum of Rs. 1,200 and maximum of Rs. 2,500.

The above family pension shall be payable to the children for the period during which they would have been eligible for family pension under the CCS (Pension) Rules, 1972. The family pension shall be paid to the senior-most eligible child at a time on the lines on which family pension is regulated under the CCS (Pension) Rules, 1972.

(4) Where the Government servant dies as a bachelor or as a widower without children, dependant pension will be admissible to parents without reference to the pecuniary circumstances at 75% of the pay last drawn by the deceased Government servant for both parents and 56.25% of the pay last drawn by the deceased Government servant for a single parent. On the death of one parent dependant pension at the latter rate will be admissible to the surviving parent.

(5) Where family pension or dependant pension is allowed in terms of these orders, no other family pension or dependant pension will be admissible under any other orders or rules in consideration of death of the same deceased Government servant.

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5. Children's Allowance

(1) Children allowance shall be granted to each child at the following rates. This allowance shall be tenable for each during the period he or she would have been eligible for family pension under the CCS (Pension) Rules, 1972:—

(*i*) Where pay of the deceased Government servant on the date of death is less than Rs. 2,200 ...	Rs. 100 p.m. per child
(*ii*) Where pay of the deceased Government servant on the date of death is Rs. 2,200 and above ...	Rs. 150 p.m. per child

(2) Children allowance will be allowed only in cases where the widow draws family pension at reduced rates under sub-para. (2) of para. 4 or where family pension is payable to children in terms of sub-para. (3) of para. 4 above. Children allowance will not be admissible where widow draws family pension equal to the pay last drawn by the deceased Government servant under sub-para. (1) of para. 4 above.

6. Benefit to Government servant in the event of his being invalided out of service on account of injury

(1) If the Government servant is invalided out of service he will be paid disability pension, which will consist of a service element and a disability element. The service element will be equal to an amount of the retiring pension including the pension equivalent of retirement gratuity which the Government servant would have been entitled to on the basis of his pay on the date of invalidment but counting service up to the date on which he would have retired in normal course. The disability element for 100% disability will be equal in amount to the pay last drawn by the Government servant minus the service element. The disability element will be subject to a maximum of Rs. 1,000 p.m. For lower percentage of disability, the disability element will be proportionately reduced.

(2) Where disability pension is allowed under these orders no other pension will be admissible.

7. Benefits under these Orders not to affect normal entitlements to Death/Retirement Gratuity, etc.

Grant of family pension under para. 4 or disability pension under para. 6 of these orders does not in any way affect normal entitlement to death gratuity or retirement gratuity, as the case may be, under the CCS (Pension) Rules, 1972, or the employer's contribution to the Contributory Provident Fund in the case of persons governed by CPF Scheme or the benefits under the Central Government Employees' Group Insurance Scheme.

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8. Definition of expression 'Pay'

The term 'Pay' referred to in these orders means the basic pay in the revised scales of pay promulgated under CCS (Revised Pay) Rules, 1986, as defined in FR 9 (21) (*a*) (*i*) and also includes non-practising allowance granted to medical officers in lieu of private practice. In the case of Government servants who continue to draw pay in the pre-revised scales in force prior to 1-1-1986 the term 'Pay' will include basic pay in the pre-revised scales of pay plus dearness allowance, additional dearness allowance, *ad hoc* dearness allowance up to the average CPI 608 and the two instalments of interim relief appropriate to the basic pay.

NOTE.—The stagnation increment(s) granted to Central Government servants shall be treated as pay for all purposes other than for fixation of pay on promotion. This will have the effect that stagnation increment will be taken into account for all purposes like DA, CCA, HRA and retirement benefits.

[G.I., M.F., O.M. No. 7 (20)/E. III/87, dated the 7th June, 1990.]

9. Government servants governed by Workmen's Compensation Act, 1923

The Government servants governed by the provisions of the Workmen's Compensation Act, 1923, shall also be eligible for the awards under these orders. Where the benefit admissible under these orders is more than the benefits admissible under the Workmen's Compensation Act, 1923, the compensation admissible under the said Workmen's Compensation Act, 1923, will not be separately payable. If, however, the sum admissible under these orders is less than the amount payable as compensation under (*i*) the Personal Injuries (Emergency Provisions) Act, 1962, as amended by the Personal Injuries (Emergency Provision) Amendment Act, 1971, and (*ii*) the Personal Injuries (Compensation Insurance) Act, 1963, as amended by the Personal Injuries (Compensation Insurance) Amendment Act, 1971, they shall have a right to receive an amount equal to the difference between the sum admissible under these orders and the amount of compensation payable under the said Acts. For the purpose of determining such difference, the latter amount shall be converted, if necessary, into a recurring monthly payment by applying the table given in the annexure as in the illustration below—

Illustration

Suppose the lump sum amount is Rs. 2,437 and the age last birthday of the beneficiary is 43 years. The factor given in Col. (2) against age 43 of the table enclosed is 0.00652957. The equated monthly instalment will be equal to 2,437 × 0.00652957, i.e., Rs. 15.91 (rounded to the nearest paise).

10. Procedure for Grant of Awards and Residuary Provisions

(1) The procedure prescribed for grant of awards under the CCS (EOP) Rules will continue to be followed for grant of award under these orders.

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(2) Except where expressly provided otherwise in these orders, the other conditions prescribed for grant of awards under the CCS (EOP) Rules will continue to be applicable.

11. Date of Effect

These orders apply to all cases arising on or after 1-1-1986. As far as pre-1-1-1986 cases are concerned these shall be consolidated and regulated from 1-1-1986 in terms of the instructions contained in this Department's O.M. No. 2/6/87-P. & P.W. (PIC), dated the 18th March, 1988 (*Not printed—See* Section II in Appendix 4 to Swamy's Pension Compilation, Twelfth Edition—1991.)

12. Interpretation

Where any doubt arises as to the interpretation of the provisions of these orders, it shall be referred to the Government in the Department of Pension and Pensioners' Welfare for decision.

13. In their application to the staff working in the Indian Audit and Accounts Department, these instructions have been issued in consultation with the Comptroller and Auditor-General of India.

14. Ministry of Agriculture, etc., are requested to bring these orders to the notice of all concerned for their guidance.

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ANNEXURE

[Rule 9]

Table showing the equated monthly instalments payable for life in lieu of a lump sum payment of Re. 1 (One rupee) due at ages shown in col. (1).

Age last birthday of the beneficiary on the date of death of the employee (x) (1)	Equated monthly instalment for a lump sum payment of one rupee due at age (x) last birthday of the beneficiary (Rupee) (2)	Age last birthday of the beneficiary on the date of death of the employee (x) (1)	Equated monthly instalment for a lump sum payment of one rupee due at age (x) last birthday of the beneficiary (Rupee) (2)
15	.00471732		
16	.00475242	46	.00685763
17	.00478911	47	.00697478
18	.00482604	48	.00709629
19	.00486170	49	.00722304
20	.00489705	50	.00735539
21	.00493425	51	.00749383
22	.00497370	52	.00763891
23	.00501551	53	.00779068
24	.00505986	54	.00794944
25	.00510711	55	.00811588
26	.00515735	56	.00828975
27	.00521044	57	.00847108
28	.00526648	58	.00866105
29	.00532588	59	.00885957
30	.00538879	60	.00906678
31	.00545532	61	.00928264
32	.00552586	62	.00950790
33	.00560069	63	.00974405
34	.00567982	64	.00999134
35	.00576319	65	.01024980
36	.00585008	66	.01051930
37	.00593983	67	01080167
38	.00603239	68	.01109777
39	.00612737	69	.01140868
40	.00622483	70	.01173582
41	.00632463	71	.01207896
42	.00642615	72	.01243851
43	.00652957	73	.01281669
44	.00663558	74	.01321462
45	.00674469	75	.01363359

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APPENDIX 5

PENSIONARY BENEFITS TO INDUSTRIAL EMPLOYEES

Copy of Government of India, Ministry of Finance, Office Memorandum No. 17 (5)-E. V (A)/60, dated the 18th November, 1960.

Subject:—**Grant of pensionary benefits to industrial employees on the recommendations of the Pay Commission.**

Government have considered the recommendations made by the Pay Commission in Paragraph 2 of the Chapter XXXVII of their Report, regarding the grant of pensionary benefits to industrial employees, and have decided to accept the Commission's recommendation that the industrial employees, on being made permanent, should be brought under the pensionary scheme. This will, however, be subject to the following conditions:—

(*i*) The industrial employees who are already permanent in service on the date of issue of these orders (including those on leave preparatory to retirement on that date) will have an option to come over to the pensionary schemes or to retain the existing Contributory Provident Fund benefits.

(*ii*) Existing temporary industrial employees as well as those who are appointed hereafter may be given an option to join the pensionable establishment or be admitted to or retain Contributory Provident Fund benefits, as the case may be.

(*iii*) The option to join the pensionable establishment or to be admitted to or retain the Contributory Provident Fund benefits shall be exercised in writing within a period of six months from the date of issue of this OM in the case of existing employees, and from the date of appointment, in the case of fresh entrants, as the case may be, and the option so exercised shall be treated as final and irrevocable. If any employee fails to exercise the option within the prescribed limit, he shall be deemed to have elected the Contributory Provident Fund benefits.

[G.I., M.F., O.M. No. F. 43 (4)-E. V (B)/71, dated the 21st May, 1971.]

NOTE.—It was stated in Government of India, Ministry of Home Affairs, D.P. & A.R., O.M. No. 38 (16)-Pension Unit/80, dated the 30th December, 1980 [*Not printed*—See *Rule* 10, *CCS (TS) Rules,* 1965], that a Government servant who on his retirement from service on attaining the age of superannuation or on his being declared to be permanently incapacitated for further Government service by the appropriate medical authority after he has rendered temporary service of not less than twenty

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years shall be brought within the purview of CCS (Pension) Rules, 1972, and the condition of holding a pensionable post in a substantive capacity shall be dispensed with in his case. Consequently, such a Government servant will be eligible for grant of superannuation or invalid pension, death-cum-retirement gratuity and family pension in accordance with the provisions of the aforesaid rules.

2. It has been decided that those industrial workers who opted/opt for pension in terms of O.M. No. F. 43 (4)-E. V (B)/71, dated the 21st May, 1971, as amended from time to time may be allowed the benefit of the orders mentioned above. These orders will be effective from 30th December, 1980.

[G.I., M.H.A., D.P. & A.R., O.M. No. 38/10/82-Pen. Unit, dated the 24th November, 1983.]

(*iv*) Those opting for the pensionary benefits will be governed by the Liberalised Pension Rules.

(*v*) The option at (*i*) and (*ii*) above should be exercised in duplicate and should be communicated by the Government servant concerned to the Head of the Office if he is a non-gazetted officer and his Accounts Officer, if he is Gazetted Officer. For this purpose, a permanent non-gazetted Government servant officiating in a Gazetted post will exercise his option as a non-gazetted Government servant.

The declaration when received from a non-gazetted Government servant should be countersigned by the Head of Office and pasted in the service book of the Government servant concerned. It will be the responsibility of the Government servant concerned to ensure that the receipt of his declaration is acknowledged by the Head of the Office or the Accounts Officer, as the case may be, and that he receives an intimation that it has been duly recorded by the authority concerned.

(*vi*) On electing to come over to pension, the accumulations in the Contributory Provident Fund account of the employee concerned will be adjusted in the manner indicated in Rule 33 (*b*) of the General Provident Fund (Central Services) Rules, i.e., the officer's own subscription with interest will be credited to his General Provident Fund Account (to be newly opened) and the Government contribution with interest resumed by Government.

(*vii*) The whole temporary service followed by confirmation, whether in the same or another post which may be either an industrial or a non-industrial one, would be counted as service qualifying for pension to the extent it would have counted had the service been rendered *ab initio* in a pensionable establishment.

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NOTE.—An employee, retiring from service who on confirmation in a non-industrial/regular establishment has opted for/is governed by the Liberalised Pension Rules will count the temporary service rendered by him in an industrial establishment prior to his confirmation in the non-industrial/regular establishment for pension, without regard to the fact that he was not contributing to WCPF for certain periods.

[G.I., M.F., O.M. No. 3 (15)-E. V (A)/64, dated the 29th May, 1964.]

2. These orders shall also be applicable to such work-charged staff employed in the establishments of the Government of India as may be classified as industrial in accordance with the orders issued under the Finance Ministry, O.M. No. F. 8 (1)-Est. (Spl.)/60, dated the 12th August, 1960, and who are at present governed by one or the other of contributory provident fund schemes.

3. Where compensation is payable under the Industrial Disputes Act, the amount of such compensation will be set off against the amount of pensionary benefits admissible under these orders.

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APPENDIX 6

GRANT OF DEARNESS RELIEF TO PENSIONERS AND TO THOSE IN RECEIPT OF FAMILY PENSION

G.I., Dept. of P. & P.W., O.M. No. 2/5/87-PIC, dated the 22nd April, 1987 and orders issued from time to time

The undersigned is directed to state that in pursuance of Government decisions on the recommendations of the Fourth Central Pay Commission announced in this Department's Resolution No. 2/13/87-PIC, dated the 18th March, 1987, the President is pleased to decide that dearness relief shall be paid to Central Government pensioners and family pensioners to compensate them for rise in cost of living beyond average CPI 608 at the following rates:—

Dearness Relief on Pension/Family Pension

From	Up to Rs. 1,750	Rs. 1,751 to Rs. 3,000		Rs. 3,001 and above	
	Rate	Rate	Subject to a minimum of	Rate	Subject to a minimum of
			Rs.		Rs.
1-7-1986	4%	3%	70	2%	90
1-1-1987	8%	6%	140	5%	180
1-7-1987	13%	9%	228	8%	270
1-1-1988	18%	13%	315	11%	391
1-7-1988	23%	17%	403	15%	510
1-1-1989	29%	22%	508	19%	660
1-7-1989	34%	25%	595	22%	750
1-1-1990	38%	28%	665	25%	840
1-7-1990	43%	32%	753	28%	960
1-1-1991	51%	38%	893	33%	1,140
1-7-1991	60%	45%	1,050	39%	1,350
1-1-1992	71%	53%	1,243	46%	1,590
1-7-1992	83%	62%	1,453	54%	1,860
1-1-1993					

For the purpose of these orders—

(*i*) Pension/family pension in the case of pre-1-1-1986 retirees and where family pension was sanctioned prior to 1-1-1986, means the consolidated pension or consolidated family pension, as the case may be,

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effective from 1-1-1986 in terms of orders issued in this Department's O.M. No. 2/1/87-PIC-I, dated 16-4-1987.

(*ii*) In the case of pensioners who retire from service on or after 1-1-1986 or where family pension is sanctioned for the first time on or after 1-1-1986, pension/family pension means the basic pension/basic family pension, as the case may be, in terms of this Department's O.M. No. 2/1/87-PIC-II, dated 14-4-1987.

1.2 Payment of dearness relief involving a fraction of a rupee shall be rounded off to the next higher rupee.

1.3 Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn, etc., will remain unchanged.

2. The Department Office Memorandum No. 42 (4) P. & P.W./86, dated the 25th June, 1986; 42 (16) P. & P.W./86, dated the 28th August, 1986 and 42 (16) P. & P.W./86, dated the 14th October, 1986, sanctioning dearness relief to pensioners w.e.f. 1st April, 1986, 1st June, 1986 and 1st July, 1986, are hereby superseded. Payments on account of dearness relief made to pensioners/family pensioners in terms of these orders will be adjusted against the dearness relief payable to them under the revised pattern in terms of this Order. If the entire amount cannot be adjusted from the arrears of dearness relief payable under this Order, the balance amount will be adjusted against future payment of dearness relief in terms of this Order.

3.1 These orders apply to all civil pensioners, Armed Forces pensioners, civilian pensioners paid out of the Defence Services Estimates, All India Service pensioners and Railway pensioners.

3.2 These orders do not apply to retired High Court and Supreme Court Judges. In their case separate orders will be issued by the administrative authorities concerned.

4. The Accountants-General and authorised Public Sector Banks are requested to arrange payment of relief to pensioners on the basis of above instructions without waiting for any further instructions from the Comptroller and Auditor-General of India and the Reserve Bank of India in view of Letter No. 528-TA, II/34-80-II, dated 23-4-1981, of the Comptroller and Auditor-General of India, addressed to all Accountants-General and Reserve Bank of India Circular No. GANB No. 2958/GA-64 (*ii*) (CGL)/81, dated the 21st May, 1981, addressed to State Bank of India and its subsidiaries and all Nationalised Banks.

5. An explanatory memorandum for guidance of pension disbursing authorities is enclosed.

6. In their application to the employees belonging to Indian Audit and Accounts Department these orders issue in consultation with the C & AG.

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Explanatory Memorandum for the Guidance of Pension Disbursing Authorities

In accordance with the existing practice dearness relief was being sanctioned to pensioners/family pensioners from time to time as and when there was 8 point rise in the average consumer price index, and four separate sets of rates were being specified in the orders for application to pensioners with reference to their period of retirement or class of pension.

2. The above practice has been reviewed in the light of the accepted recommendations of the Fourth Central Pay Commission.

The features of the revised arrangements are as follows:—

(*i*) The revised arrangements will apply to price-rise beyond average CPI 608.

(*ii*) Dearness Relief will be sanctioned from 1st July, and 1st January every year based on increase in price rise beyond average CPI 608 as on the preceding 30th June or 31st December, as the case may be.

(*iii*) One uniform set of rate for each period will cover all pensioners/family pensioners irrespective of their date of retirement or date of sanction of family pension or the class of pension. In the case of pre-1-1-1986 cases, the dearness relief will be calculated on the consolidated pension or consolidated family pension comprising the pension *plus* dearness relief up to CPI 608 *plus* additional benefits sanctioned to them on the basis of Pay Commission's recommendations. Necessary orders specifying the manner in which pension/family pension is to be consolidated as on 1-1-1986 have been issued separately in this Department's O.M. No. 2/1/87-PIC-I, dated 16-4-1987, and the corresponding orders for Armed Forces personnel being issued by the Ministry of Defence. In the case of pension/family pension for post-1-1-1986 cases, the dearness relief will be calculated on the basic pension or basic family pension, as the case may be.

(*iv*) * * * *

(*v*) The dearness relief under the revised pattern will also be suspended when the Central Government pensioner/family pensioner is—

(*i*) employed/re-employed in a Department/Office of the Central Government; or

(*ii*) employed/re-employed or permanently absorbed in the Central or a State Government company, corporation undertaking or autonomous body or in Reserve Bank of India or in a Public Sector Bank or in GIC/LIC, etc.

in the same manner as under the existing pattern.

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(*vi*) Similarly in the case of pensioners/family pensioners who are in receipt of more than one pension, the dearness relief, where admissible, will be calculated on the total of all pensions taken together.

(*vii*) * * *

(*viii*) In case there is any doubt about admissibility or otherwise of the dearness relief or its quantum in any individual case, the Pension Disbursing Authorities should always consult the concerned Accounts Officers. Where necessary the Department of Pension and Pensioners' Welfare can also be consulted.

GOVERNMENT OF INDIA'S DECISIONS

(1) Calculation of relief.—For the purpose of calculation of relief, the term 'pension' shall mean the pension or compassionate allowance as authorised on retirement from Government service and does not include the pension equivalent of retirement gratuity but will be inclusive of commuted portion of pension, if any.

The monthly rate of aggregate relief payable in a case will be expressed in whole rupee. For this purpose fraction of a rupee will be rounded off to the next higher rupee.

[G.I., M.F., O.M. No. 13 (6)-E. V (A)/76, dated the 6th April, 1976 and F. 2 (9)-E. V/81, dated the 14th July, 1981.]

(2) Relief admissible to pensioners in receipt of disability pension under CCS (EOP) Rules.—The relief will be admissible to a Government servant who has been awarded disability pension under CCS (Extraordinary Pension) Rules. The grant of relief will be regulated as follows:—

(*i*) Where a Government servant has been awarded permanent or temporary disability pension and in addition has also been granted invalid pension under Rule 38 of the CCS (Pension) Rules, the quantum of reliefs will be determined on the total of the two pensions. If the temporary disability pension has ceased to be payable, the reliefs will be determined on invalid pension alone.

(*ii*) Where a Government servant has been awarded permanent or temporary pension and has not been granted invalid pension as he had at the time of sustaining injury had rendered qualifying service of less than ten years, the reliefs will be determined on the amount of pension alone. With the cessation of the payment of temporary pension, the payment of reliefs will also cease.

(*iii*) No relief will be payable to the person referred to in clause (*i*) above, if he is employed/re-employed in any of the Establishments/Organisations mentioned in Decision (3) below.

[G.I., M.F., O.M. No. F. 13 (19)-E. V (A)/77, dated the 28th July, 1977.]

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(3) Payment of relief on pension/family pension shall be suspended during the period of employment/re-employment.—The payment of relief in pension shall be suspended when a Central Government pensioner is—

(*i*) re-employed in a Department/Office of the Central Government or a State Government,

(*ii*) employed/re-employed or absorbed permanently in a Central Government or a State Government Company/Corporation/ Undertaking or Autonomous Body or in Nationalised Bank including Reserve Bank of India and the State Bank of India or in a 'Local Fund' as defined in clause (*m*) of sub-rule (1) of Rule 3 of the CCS (Pension) Rules, 1972.

NOTE.—For the purpose of (*ii*) above, Government Company/Corporation/Undertaking is the one in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government or by any State Government or more State Governments and includes a Company/ Corporation/Undertaking which is subsidiary of a Government Company.

A Government servant who on permanent absorption in an organisation referred to in (*ii*) above elects the alternative of receiving the retirement gratuity and lump sum amount in lieu of pension, will not be eligible to receive any relief even after he has ceased to be in the employment of the organisation concerned.

The payment of relief on family pension shall similarly be suspended when a person in receipt of family pension is employed in any of the organisations mentioned in (*i*) and (*ii*) above.

[G.I., M.F., O.M. No. 22 (8)-E. V (A)/75, dated the 13th February, 1976 and No. 13 (6)-E. V (A)/76, dated the 6th April, 1976.]

(4) Payment of relief on pension/family pension to be suspended from 1-1-1986 on appointment as ED Agents in Department of Posts.— Reference is invited to this Office Letter No. 14-6/87-PAP, dated 15-7-1987 (*not printed*), in which allowances of different categories of extra-departmental employees were revised. It was also stipulated in para. 4 thereof, that the ED employees would also be entitled to Dearness Allowance on the same pattern as applicable to Departmental staff. It was further clarified in this Office Letter No. 14-26/87-PAP, dated 10-2-1988 and 14-4-1988, that Central/State Government employees (including teachers) as well as pensioners working as EDAs are not entitled to Dearness Allowance. In the case of pensioners working as EDAs, an option to draw either relief on pension or Dearness Allowance, is required to be obtained from them. In case, they want to draw Dearness Allowance, the same would be admissible from the date the pension disbursing authority stops payment of dearness relief. As the Letters, dated 10-2-1988 and 14-4-1988 were of clarificatory nature, they are deemed to take effect from 1-1-1986. As such the instalments of Dearness Allowance sanctioned from 1-7-1986 onwards are not admissible to Central Government/State Government

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employees (including teachers) and pensioners who are working as EDAs, subject to the above condition relating to pensioners.

[Dept. of Posts, Letter No. 14-26/87-PAP, dated the 9th December, 1988.]

(5) Procedure for suspending payment of relief in pension during the period of employment/re-employment.—1. According to Decision (3) above, no relief be paid by the pension disbursing authority (including PAOs, Treasuries, Public Sector Banks entrusted with pension payment work) to re-employed pensioner (including a family pensioner) during the period of his re-employment. After the spell of the re-employment ceases, payment of relief will be revived by the same authority (without intervention of treasury/AG, etc.). For this purpose, every pensioner (including a family pensioner) is required to furnish half-yearly, in the months of May and November, a certificate in the form contained in the Annexure to this decision about non-re-employment, to the pension disbursing authority or facts about his/her status of being re-employed. [See *also OM, dated* 23-5-1988, *at the end of this Decision*]. In the latter case, he/she must furnish particulars of the re-employment, e.g., name of the Central/State Government, Department/Office or of the Government Company or Corporation or of the Autonomous Body or a Local Fund, etc., as the case may be. The pensioner should intimate the fact of his taking up/having taken up re-employment to the pension disbursing authority immediately on doing so without waiting for the month of May or November when the submission of half-yearly certificate becomes due.

2. These orders will not affect re-employed pensioners getting a consolidated amount in the form of pay, honorarium or fee during the period of re-employment, provided that the amount which the pensioner is thus in receipt of, does not include any element of dearness allowance. Similarly these orders will also not affect pensioners re-employed on daily wages, who will continue to draw relief on pension as admissible to them from time to time as provided in O.M. No. F. 2 (3)-E. V/82, dated 17-5-1982.

3. The above orders will also apply in the case of re-employed pensioners (including family pensioners) whose pension is stepped up to the minimum of Rs. 150 in the case of family pension and Rs. 160 in the case of other pensions, in terms of the Department of Expenditure, O.M. No. F. 1 (4)-E. V/83, dated 11-4-1983, as the element of increase in stepping up the pension is to be treated as part of relief in accordance with O.M. No. F. 1 (6)-E. V/82, dated 1-3-1983, in such cases. In other words, relief on pension as well as the element of stepping up, will be suspended during the period of re-employment.

4. In order that cases of re-employment of pensioners are reported promptly to the pension disbursing authorities and this information is not withheld by the pensioner, intentionally or otherwise, all the re-employing organisations may obtain details of the PPOs and designation of the pension disbursing authority from whom the re-employed pensioner receives pension and send to the pension disbursing authority by Registered Post,

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intimation regarding the fact of re-employment, date thereof and monthly rates of emoluments. It is requested that these instructions may be brought to the notice of all the subordinate offices, all Government Undertakings/ Corporations, Autonomous Bodies, Local Funds, etc., under the respective Ministry/Department/State Government.

[G.I., M.F., O.M. No. 23013/152/79/M.F./C.G.A. VI (pt.) 1118, dated the 26th March, 1984.]

According to the above instructions, a pensioner is required to furnish a non-employment or an employment/re-employment certificate in a Department, Office, Company, Corporation, Autonomous Body or Registered Society of Central or State Government or Union Territory, or a Local Fund, half-yearly, i.e., in the months of May or November each year in the prescribed form to the pension disbursing authority. In view of the representations received from the Pensioners' Associations, etc., requesting for dispensing with the requirement of furnishing the non-employment or an employment/re-employment certificate twice every year, the matter was examined afresh in consultation with the Controller-General of Accounts, Ministry of Finance, Department of Expenditure. As relief in pension is linked with non-employment of the pensioner and as after the Fourth Pay Commission's Report relief in pension is sanctioned twice a year, the necessity of furnishing the non-employment or an employment/ re-employment certificate cannot altogether be dispensed with. It has, however, been decided that it would be enough if the pensioner is required to furnish the non-employment or an employment/re-employment certificate once in a year, i.e., in the month of November each year. Until the said certificate is furnished, the element of dearness relief on pension for the month of November and onward will not be disbursed. However, the pension will continue to be disbursed.

[G.I., Dept. of Per. & Trg., O.M. No. 38/14/88-P. & P.W. (A), dated the 23rd May, 1988 and Dept. of P. & P.W., O.M. No. 43/25-P. & P.W. (G), dated the 28th October, 1991.]

ANNEXURE

Form of Certificate of Non-employment/re-employment

(i) I declare that I have not been serving in any capacity either in a Government Department/Office, Company, Corporation, Autonomous Body or Society or Central or State Government or Union Territory or a Local Fund during the half-year ended May/November, 19....

Or

I declare that I have been employed/re-employed in the Office of.....which is a part of/financed by..... Government and was in receipt of the following monthly rates of emoluments during the half-year ended May/November, 19.... or during the month of.....falling within the said half-year.

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(*a*) Pay.....
Special Pay.....
Allowances.....
(including DA, ADA, etc.)

Or

(*b*) Honorarium.....

Further, that the orders of my re-employment do/do not stipulate my pension being held in abeyance during the re-employment period.

*(*ii*) I declare that I have not accepted any commercial employment in India.

Or

I declare that I have accepted commercial employment in India, after obtaining previous sanction of the Central Government and none of the conditions, if any, attached thereto by Government has been violated.

NOTE.—This declaration is required to be given for a period of two years from the date of retirement.

*(*iii*) I declare that I have not accepted any employment under a Government outside India/an International Organisation of which the Government of India is not a member.

Or

I declare that I have accepted employment under a Government outside India/an International Organisation of which Government of India is not a member after obtaining the previous sanction of the Central Government and none of the conditions attached thereto by the Government has been deviated from.

Place:
Date :

Signature.....
Name of the Pensioner.....
PPO No.....

(6) Furnishing of particulars of pensioners re-employed to Pension Disbursing Authority.—1. According to Decision (3) above, dearness relief is not payable with pension to Central Government pensioners who are re-employed in Central/State Government Departments/Offices, Public Undertakings, Autonomous Bodies, etc. In so far as Defence Pensioners are concerned these provisions have been extended to them *vide* Ministry of Defence, Letter No. F. 4 (3)/84/1872/C/D Pension/Services, dated 1-8-1984.

2. A pensioner is required to intimate the fact of his/her taking up/having taken up employment/re-employment to the Pension Disbursing

*Certificates at (*ii*) and (*iii*) are to be furnished only by retired Group 'A' officers.

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Authority immediately on doing so. The pensioners are also required to submit to the Pension Disbursing Authority a declaration every year regarding his/her re-employment/employment for the purpose of regulating the payment of dearness relief.

3. The ex-servicemen constitute a sizeable majority of re-employed pensioners as they retire early from Defence Services. It has been reported by the Controller-General of Defence Accounts that many of these military pensioners may not have revealed the fact of their re-employment to the Pension Disbursing Authority, and huge amounts would get admitted as dearness relief to which they are not otherwise entitled as per the above orders. Pension Disbursing Authorities are also not getting intimations regarding the re-employment of pensioners from the re-employing authorities as enjoined in the OM, dated 26-3-1984 [Decision (5) above]. In case this information is received by the Pension Disbursing Authorities from the re-employing authorities, the irregular drawal of dearness relief by such re-employed pensioners can be detected and further payment stopped.

4. In view of the above, it is requested to bring the provisions of OM, dated 26-3-1984, to the notice of all the subordinate offices, all Government Undertakings/Corporations, Autonomous Bodies, Local Funds, etc., under the respective Ministry/Department/State Government with instructions to the effect that information regarding the pension details, viz., PPO No., name of the Pension Disbursing Authority, PS/TS/HO number allotted by the Pension Disbursing Authority in respect of the pensioner re-employed in their Office/Department/Organisation may be promptly furnished to the Pension Disbursing Authority concerned together with the date(s) of their re-employment.

[G.I., M.F., C.G.A., O.M. No. M-23013/152/8/90/MF-CGA/Pen./792, dated the 5th December, 1990.]

(7) Head of Office should pay relief on pension along with provisional pension.—Where the Head of Office sanctions provisional family pension under the CCS (Pension) Rules, 1972, he will also sanction graded reliefs on family pension as admissible. The graded reliefs will be drawn and disbursed by the Head of Office along with the family pension.

[G.I., M.F., O.M. No. F. 13 (14)-E. V (A)/76, dated the 19th August, 1976.]

(8) Payment of relief in pension for period of stay ex-India including Nepal.—It has been clarified by the Government of India, Ministry of Finance, that relief on pension is admissible to Central Government pensioners who are drawing their pensions in India in rupees whether they are residing in India or outside India.

[C. & A.G., Letter No. 397-Audit/5-78, dated the 15th May, 1981.]

(9) Pensioners residing abroad and drawing pension in foreign currency eligible for dearness relief.—1. At present dearness relief, as may be sanctioned from time to time, is payable to those pensioners who are residing in India and receiving pension in Indian currency.

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2. The pensioners residing abroad whose pension has been sanctioned in foreign currency are at present not paid dearness relief on pension. The question of extension of the benefit of dearness relief to them has been under consideration of the Government for some time. The matter has been examined in consultation with the Ministry of Finance and it is now decided that this benefit may also be extended to the above-mentioned category of pensioners.

3. This decision will become effective from the dearness relief on pension for the month of June, 1986, payable in July, 1986.

4. In case where the pensioner was alive on 1-6-1986 and died subsequently his/her legal heir(s) is/are also entitled to life-time arrears with effect from 1-6-1986 till the date of pensioner's death. For this purpose legal heir(s) may apply to the concerned Pension Disbursing Authority.

5. The formula for calculation of the quantum of dearness relief payable in such cases will be as under—

The amount of pension may be calculated in Indian rupees at the official conversion rate applicable on the date when the original pension-sanction was issued expressing the amount in foreign currency. Relief thereafter is to be determined with reference to this amount so determined subject to the ceilings applicable on pension *plus* relief thereon in respect of pensioners receiving pension in India in Indian rupees. The admissible dearness relief then be converted into foreign currency at official accounting rates fixed by the Ministry of External Affairs for the month from which the relief is sanctioned.

6. The decision contained in the foregoing paragraphs will apply to all Government of India pensioners who are entitled to receive their pension in foreign currency as service condition.

[G.I., Dept. of P. & P.W., O.M. No. 42 (13)-P. & P.W./86, dated the 25th July, 1986.]

According to the provisions of Public Officers Pension (India) Agreement, 1986, between the Government of India, Ministry of Finance (Department of Economic Affairs) and the Government of United Kingdom, the UK Government has taken over payment of pensions of the officials covered by Article 1 (*d*) of the Agreement. The UK Government have intimated that pensioners covered by the Agreement are already receiving Dearness Relief from the UK Government. Therefore, in order to avoid double payment of relief on pension to these pensioners, it is clarified that the pensioners who are covered by the aforesaid Agreement will not get relief in terms of the above decision.

[G.I., Dept. of P. & P.W., O.M. No. 42 (13)-P. & P.W./86, dated the 10th March, 1987.]

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APPENDIX 7

SCHEME FOR PROVIDING IMMEDIATE RELIEF TO THE FAMILIES OF GOVERNMENT SERVANTS WHO DIE WHILE IN SERVICE

Copy of Government of India, Ministry of Finance, Office Memorandum No. F. 11 (1)-E. V (B)/71, dated the 19th November, 1971, as last amended by O.M. No. F. 26 (1)-E. V/88, dated the 6th December, 1988

Subject:—**Scheme for providing immediate relief to the families of Government servants who die while in service.**

In supersession of the orders contained in this Ministry's Office Memorandum No. F. 10 (3)-E. V (A)/65, dated the 1st November, 1965, on the subject noted above, the President is pleased to issue the following orders:—

(*i*) *Eligibility.*—In case a Government servant, other than a casual or daily-rated employee, holding a Gazetted or non-gazetted post in a permanent or temporary capacity dies while in service (whether on duty or on leave with or without leave salary), his family will be eligible for relief in the shape of an advance in accordance with the provisions of this Office Memorandum.

(*ii*) *Amount of Relief.*—The relief may be allowed in the form of advance limited to three months' pay of the deceased Government servant or Rs. 2,500, whichever is less, provided that the amount so sanctioned does not exceed the estimated payments due to the family as indicated in clause (*v*) below. The term 'pay' for the purpose of this OM will mean pay as defined in FR 9 (21) (*a*) (*i*) and includes (*i*) non-practising allowance granted to medical officers in lieu of private practice and (*ii*) stagnation increment(s) granted to Central Government employees.

(*iii*) *Sanction of Advance.*—The sanction of advance should be communicated to the Accounts Officer by the Head of Office and contain the following particulars:—

(1) Name and designation of the Government servant.

(2) Status of the Government servant (whether Gazetted or non-gazetted).

(3) Pay last drawn: Rs.

(4) Amount of advance sanctioned.

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(5) Name or names of the beneficiaries to whom the payment of advance is to be made.

The sanction should also indicate the manner in which the advance has to be adjusted.

(*iv*) *Head of Account.*—Advance paid under this Office Memorandum should be debited to the Head of Account "8550—Civil Advances—Other Advances—Lump sum advances to provide for immediate financial reliefs to the deceased Government servant's family".

(*v*) *Adjustment of Advance.*—The advance will be adjustable against the arrears of pay and allowances including leave salary, death gratuity, balances in the Contributory Provident Fund or General Provident Fund or any other payment due in respect of deceased Government servant and becoming payable to the family. The adjustment of advance should be made as soon as possible but should not be delayed beyond the period of six months reckoning from the date of sanction of the advance.

(*vi*) *Beneficiaries.*—

(*a*) In case the deceased Government servant was governed by the provisions of the CCS (Pension) Rules, 1972, or was a subscriber to the Contributory Provident Fund, the payment of advance should be made to the person or the persons in the same manner as the payment of death gratuity or the payment of the balances in the Contributory Provident Fund would have been made.

(*b*) In a case other than the one referred to in sub-clause (*a*), the payment of the advance should be made to the person eligible to receive the death gratuity becoming payable on the death of the Government servant.

(*c*) A separate undertaking should be taken from each person to whom the payment of advance is made that he or she agrees to the amount of advance being recoverable from any amounts payable on the death of the Government servant.

(*vii*) *Payment of Advance.*—To enable the Head of Office to make immediate payment to the family of the deceased Government servant, the Head of Office is authorised to use, for this purpose, the imprest or other resources available with him. If the imprest or other resources are not sufficient to cover the payment, the Head of Office should draw the amount from the treasury on a simple receipt in a form similar to Form TR 42 as provided in Rule 669 of the Central Treasury Rules. As soon as the payment of advance has been made, the Head of Office will immediately inform the Accounts Officer and also advise

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him as to how the advance is to be adjusted against the payment becoming payable in respect of the deceased Government servant. The fact of the payment of the advance should also be indicated in Form 18. The fact of the payment of advance should also be made by the Head of Office in the Last Pay Certificate in respect of a non-gazetted Government servant. A copy of the letter sanctioning advance to a Gazetted Government servant may be endorsed to the Treasury Officer concerned so that the Treasury Officer may make specific mention of the advance in the Last Pay Certificate.

(*viii*) In the case of a Government servant who dies while on deputation in foreign service the advance may be sanctioned by the parent Department.

2. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor-General of India.

CLARIFICATIONS

(1) Meaning of term "Head of Office".—The term "Head of Office" used may, for the purpose of sanctioning immediate relief, be taken to mean either the pension sanctioning authority or the Gazetted Officer at the lower level under whom the official concerned was working at the time of his death, according to the circumstances of each case.

[D.G., P. & T.'s Letter No. 4-55/66-Pen., dated the 7th February, 1967, to the P.M.G., Kerala.]

(2) Payment to be effected without waiting for formal application.—It is clarified that for the purpose of grant of the advance as immediate relief in accordance with para. 1 (*vii*) above, Heads of Offices need not either insist on or wait for a formal application from the bereaved family. They may immediately on receipt of the information regarding the death of the Government servant, arrange for the payment of the advance after getting a formal undertaking from the recipients agreeing to the advance being recovered from the arrears of pay and allowances and/or leave salary, death-cum-retirement gratuity, balance in the Contributory or General Provident Fund or any other payment due in respect of the deceased Government servant and becoming payable to the family, subject to the other conditions laid down in the above orders.

[G.I., M.F., O.M. No. 27 (7)-E. V (B)/72, dated the 20th December, 1972.]

(3) Recovery of Government dues.—A doubt has arisen whether at the time of making such payments, outstanding Government dues should also be taken into account.

The idea is that in the event of the death of a Government servant the family should get immediate relief, as provided in the orders on the subject soon after the death of the Government servant. In cases where

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the administrative authorities are in a position to assess the Government dues payable by the deceased Government servant, they may do so on the same day and, on assessment, if they find that the dues are more than the payment to be made to the family, they may not allow any immediate relief. In other cases, where assessment of the Government dues is not possible on the same day, the "immediate relief" should be allowed immediately on receipt of the intimation about death by the Head of the Office and the balance of the Government dues, if later found to be in excess of the payment made to the family, may be written off.

[G.I., M.F., O.M. No. F. 27 (3)-E. V (B)/77, dated the 24th February, 1977.]

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APPENDIX 8

THE COMPASSIONATE FUND OF THE GOVERNMENT OF INDIA

The Government of India have recently taken several measures to alleviate the distress of families of Central Government servants who die in service. The existing benefits include a Family Pension Scheme which ensures pension for life for the family of a Government servant who dies while in service. In case the Government servant had put in a service of at least 7 years prior to his death the family pension is doubled, subject to the limit of half the last pay drawn, for the first few years.

2. There also exists a Compassionate Fund of the Government of India which is intended for the relief of the families of Government servants if they are left in indigent circumstances on account of the premature death of the person upon whom they depended for support. The assistance from the Fund is, however, restricted to those who have not received any other form of death benefits, such as Contributory Provident Fund, Gratuity, or Family Pension. Cases occasionally do arise where, in spite of the death benefits received by the family, the dependants continue to be in indigent circumstances or have special needs for which *ex gratia* financial assistance is necessary. It has accordingly been decided to modify the Compassionate Fund Rules. The revised rules are published.

[G.I., M.F., O.M. No. F. Q-23020/1/75-E. V (A), dated the 24th February, 1975 and O.M. No. F. 26 (1)-E. V /83, dated the 21st October, 1983.]

RULES

Regulating the Compassionate Fund of the Government of India

1. Constitution

The Compassionate Fund of the Government of India is administered by a Committee consisting of Cabinet Secretary, Secretary, Ministry of Finance (Expenditure) and Secretary Personnel. A Director/Deputy Secretary of the Ministry of Finance (Department of Expenditure) acts as the Secretary of the Committee.

2. Eligibility

The Fund is intended for the relief of the families of Government servants who die in service and who were paid from the Consolidated Fund of India. The deceased Government servant should have served in any Civil Department of the Government of India or under a Union Territory. This Fund will also cater for Railway employees and civilians paid from

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Defence Services Estimates. Those belonging to the Posts and Telecommunication Departments will not be eligible for the benefits of this Fund since the Posts and Telecommunication Departments have a separate Fund administered by the Directors-General of Posts and Telecommunication Departments.

3. Applications

No application will be considered which is not submitted to the Ministry of the Government of India concerned within one year of the death of the Government servant, unless the delay in submission is sufficiently explained. It is most desirable that applications should be submitted as promptly as possible after the death of a Government servant.

4. Conditions for the grant of award

(*i*) Grants from the Fund are restricted to cases of an exceptionally deserving character where the family is left in indigent circumstances.

(*ii*) The deceased officer must have been a meritorious public servant. Unusually meritorious service gives special claim for consideration.

(*iii*) Death due to or accelerated by special devotion to duty establishes a claim for consideration.

(*iv*) In ordinary cases preference will be given to the dependants of officers who have put in long years of service.

(*v*) Other things being equal, preference will be given to those who had been in the lower pay ranges.

(*vi*) Awards will not ordinarily be made from the Fund to the families of retired Government servants but cases in which the death of a Government servant occurred within six months of retirement or where the Government servant has been totally/permanently disabled can be considered.

5. Amount of the grant

(*i*) No Family Pension will be granted from the Fund.

(*ii*) In exceptional cases suitable recurring grants may be sanctioned for limited period as assistance towards special needs such as expenditure on the education of minor children. These recurring grants will be subject to such conditions as the Committee may impose to satisfy itself regarding the continuance of the need, utilisation of the amount, etc.

(*iii*) Lump sum grants in excess of Rs. 1,000 will not be made save in very exceptional circumstances. The total benefit payable in any individual cases (lump sum and recurring) should not normally exceed Rs. 10,000 or a year's pay, whichever is less. The precise amount will be fixed according to needs of each case as assessed by the Committee.

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6. Procedure for sanction

The form of application for the grant of an award is given as Appendix to these Rules. The Administrative Department/Ministry will forward to the Ministry of Finance in a self-contained form by means of an Office Memorandum the application along with other relevant documents. The applications should be strictly screened by the Head of the Department and the Administrative Ministry and only cases where a genuine need for assistance is established to their satisfaction should be forwarded to the Ministry of Finance (Department of Expenditure) for consideration. When an award is recommended which appears to be excessive and no special reasons are given in support, the Secretary of the Committee may ask the Administrative Department concerned for further explanation. After the Committee's decision has been obtained by the Ministry of Finance, this would be conveyed to the Administrative Ministry/Department in which the deceased Government servant was serving. Thereafter that Ministry/Department would issue an expenditure sanction for payment out of the Fund addressed to the Pay and Accounts Officer of the Ministry/Department concerned with copies to all concerned quoting the number and date of the communication with which the Department of Expenditure has conveyed the Committee's approval.

7. Accounting

The expenditure involved will be debitable to the Major Head "2235 Social Security and Welfare-60-Other Social Security and Welfare Programmes-Other Programmes-Payments from the Compassionate Fund".

8. General

The decision of the Committee on all matters relating to the Fund or payment therefrom will be final.

9. All awards from the Fund will be purely *ex gratia.*

GOVERNMENT OF INDIA'S DECISIONS

(1) Cases to be processed within three months furnishing full and correct information.—It has been observed that in many cases the Administrative Departments take a very long time in scrutinising, completing and forwarding the applications for the grant of awards from the Compassionate Fund. The Committee administering the Fund have desired that it should be impressed upon all administrative authorities to process such cases with the least possible delay as the grants from the Fund lose much of their utility if they are delayed. It is also essential that Part III of the application form should give complete details against each item so that no time is lost in referring the cases back to the departments for further details.

[G.I., M.F., O.M. No. 18 (3)-E. V (A)/72, dated the 13th July, 1972.]

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If the administrative authorities ensure that the forms are meticulously filled in, the necessity for making a back reference to them for furnishing the complete details would be obviated. The Committee administering the Fund have again expressed their concern at the hardship caused by delays to persons who are in indigent circumstances.

Despite this, it is observed that cases continue to be referred to Finance Ministry without full details necessitating avoidable references to the Administrative Ministries and back and thereby causing delay in the sanction of awards. It will be appreciated that the award by its very nature is such that it should be made available in deserving cases without undue delays. It is, therefore, very necessary for Administrative Departments/Ministries to ensure that when referring cases to Finance Ministry all relevant information is furnished. In order to obviate the need for back references, Part III of the application form for the grant of awards from the Compassionate Fund of the Government of India has been revised. Information relating to immovable property [Items 2 (*c*) and (*d*) of Part I of the application form] should be checked with reference to the property return furnished by the concerned individual. It has also been decided that Ministries/Departments make the Welfare Officer responsible for ensuring that cases for awards from the Fund are scrutinised with utmost speed and references made to Finance Department with complete details and without delay.

[G.I., M.F., O.M. No. F. 23020/1/75-E. V (A), dated the 24th February, 1975 and No. F. 18 (18)-E. V (A)/76, dated the 30th March, 1977.]

Reference is invited to decision above, wherein the desirability of meticulously filling in the forms for the grant of awards from the Compassionate Fund was emphasised. Welfare Officers of the various Departments/Ministries were also made responsible for ensuring the requests for awards from the Compassionate Fund are scrutinised with utmost speed and forwarded to the Ministry of Finance (Department of Expenditure) with complete details without delay.

It has been noticed that requests for award from the Fund are being forwarded to the Department of Expenditure long after they are submitted by the widow of the deceased Government servant. Besides, in a number of cases full and correct information as required is not given, necessitating back reference to the concerned Department/Ministry. Such delays defeat the very purpose for which the Compassionate Fund grants are intended, viz., to provide immediate assistance to families left in indigent circumstances because of Government servants dying in harness. The Committee administering the Fund have also had occasion to make adverse comments recently in a number of cases about the unconscionable delays that occur in the processing of the requests in the Administrative Departments/Ministries. The Committee have decided to lay down a time-limit of three months from the date of the application, in which period the Head of the Department should scrutinise the application, and if satisfied as to the genuine need of assistance, forward the same to the

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Administrative Ministry concerned. The Ministry/Department concerned, if they accept the recommendation of the Head of Department should forward the request to the Department of Expenditure without undue delay. Ministry of Agriculture are, therefore, requested to issue suitable instructions to all concerned in order to ensure that the time- schedule prescribed by the Committee is adhered to.

It is requested that in Part III of the application form for the grant of award from the Compassionate Fund "Central Government Employees' Insurance Scheme" may be added as item V below item IV.

[G.I., M.F., O.M. No. 10 (1)/80-E. V., dated 27th May, 1980.]

(2) **Procedure for payment of awards.**—The procedure to be followed for arranging payment after Departmentalisation of Union Government (Civil) Accounts was under consideration of Finance Ministry in consultation with the Controller-General of Accounts and the Comptroller and Auditor-General of India and it has been decided that the following procedure would be followed. This would be applicable in respect of all sanctions by the Committee but payments against which had not so far been arranged and also all future cases in which the Committee may sanction awards from the Fund.

2. Awards for payments from the Compassionate Fund fall under two categories, namely,—

(*a*) Lump sum payments; and

(*b*) Recurring payments to be made at quarterly intervals, in arrears.

After awards are made by the Compassionate Fund Committee appointed by Government, the Committee's decisions would be conveyed by the Ministry of Finance, Department of Expenditure to the Ministry or Department in which the deceased Government servant was serving. Based on this, the Administrative Ministry/Department which sponsored the case, and under which the deceased Government servant was serving last, would issue an expenditure sanction for payment out of the Compassionate Fund of the Government of India, addressed to the Pay and Accounts Officer of the Ministry/Department concerned with copies to all concerned.

3. In cases where the award/sanction is for recurring payments to be made at quarterly intervals in arrears, the place at which and authority through which [i.e., whether through the Pay and Accounts Officer or through a Treasury or through the Controller of Defence Accounts (Pensions)] the beneficiary is desirous of receiving the payment has to be indicated in the sanction. Wherever the payment is not sought at the counter of the Pay and Accounts Officer, but at a Treasury, the Pay and Accounts Officer would issue a special Seal Authority in favour of the Accountant-General in whose jurisdiction the Treasury is situated to enable the Accountant-General to arrange for the payments. These payments would

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also be finally booked in accounts by the State Accountants-General in the Central Section of Accounts on the lines pension payments are accounted for.

4. In the case of civilians paid from Defence Estimates, the Ministry of Defence would issue the relevant sanction directly to the Controller of Defence Accounts (Pension) for necessary action.

5. Payments arising from the Compassionate Fund are not covered under the Scheme for payment of Central Government Civil Pensioners through Public Sector Banks and hence no such payments can be arranged through Public Sector Banks.

[G.I., M.F., O.M. No. 18 (10)-E. V (B)/77, dated the 18th August, 1979.]

(3) Guidelines for recommending cases.—1. As Ministries are aware, there is a Compassionate Fund of the Government of India which is intended for the relief of the families of Government servants if they are left in indigent circumstances on account of the premature death of the person upon whom they depend for support. It is noticed from the applications received through Ministries for grant of assistance from the Fund that sometimes even those cases are recommended by the Ministries where the income of the family of the deceased Government servant happens to be more than that of the employee at the time of his death. For computing the income of the family, various elements like the family pension, dearness relief thereon, the salary of the widow or her son employed on compassionate grounds or otherwise, approximate interest on the lump sum payment received by the family on the death of the Government servant (e.g., Provident Fund balance, Group Insurance amount, encashment of leave salary, etc.) are taken into account. Taking all such elements into account, the family may sometimes not be financially worse off after the death of the Government servant. As mentioned above, the Fund is meant only to grant assistance in cases of real financial hardship. This test cannot be said to be satisfied where the income of the family is more than that of the deceased Government servant. It has, therefore, been decided that no financial assistance from the Compassionate Fund would normally be given in such cases for the maintenance of the family. Ministries are, therefore, requested not to forward such cases to this Department. However, if the income of the family is more or less of the same order as that of the Government servant at the time of his death, cases may be forwarded if there are some other exceptional circumstances justifying a grant, e.g., a daughter of marriageable age for which some assistance from the Fund may be justified.

[G.I., M.F., O.M. No. F. 10 (32)/82-E (V) CF, dated the 15th July, 1982.]

2. It has been stated that cases for grant of *ex gratia* assistance from the Compassionate Fund of India may be referred to this Ministry if the income of the family is more or less of the same order as that of the Government servant at the time of his death or there are some other exceptional circumstances justifying a grant. The matter has been reconsidered with a view to cutting avoidable expenditure and it has been decided

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that relief from the Compassionate Fund of India may be given to the families of a deceased Government servant if income of the family after the death of the Government servant is less than the income of the Government servant even though the grant is required for the marriage of a daughter. Where the income of the family is not less than the income of the Government servant before his death it would not be desirable to give a grant as such a grant is not available to a serving Government servant with the same income as that of the family.

Rule 4 (*i*) of the Rules regulating the Compassionate Fund provides that grants from the Fund are to be given in cases of exceptionally deserving character where the family is left in indigent circumstances. Efforts should therefore be made to identify new types of assistance which could be needed by the family of the deceased Government employee within the ambit of the present scheme but which are not at present receiving attention. For instance, needs like medical treatment of a member of the family suffering from serious illness like cancer, TB, etc., or imparting training to a child to improve the prospects for getting a job would merit to be considered favourably for grant of assistance. The actual need for which the assistance is required may invariably be mentioned in the pro forma.

[G.I., M.F., O.M. No. 10 (7)/87-E. (V) CF, dated the 10th November, 1987.]

3. The Committee administering the Compassionate Fund of Government of India have observed that the Administrative Ministries/Departments often reject requests for assistance from the Fund on the ground that one of the members of the family, viz., widow/son/daughter has been given employment on compassionate grounds and allowed retention of Government accommodation. These concessions by themselves are not considered by the Committee as a bar to the grant of help from the Fund; all the circumstances in which the family of deceased Government servant is placed are taken into account in considering the need for and quantum of assistance from the Fund. All Ministries/Departments may ensure that no deserving case of the family of a Government servant who dies in service goes by default.

[G.I., M.F., O.M. No. 3 (14)-E. V/70, dated the 17th June, 1975.]

APPLICATION FOR THE GRANT OF AN AWARD FROM THE COMPASSIONATE FUND OF THE GOVERNMENT OF INDIA

PART I

(*To be completed by the applicant*)

1. (*a*) Name of the deceased ... ...

(*b*) Particulars of family members with their age and occupation. (In the case of persons gainfully employed, income should also be stated) ... ...

(In the case of children receiving education, name the institution and the classes in which they are studying)

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Name	*Relationship*	*Age*	*Name of the Institution*	*Class*	*Remarks*
					(Here indicate if in occupation, the date since when, the capacity in and the establishment in which he/she has been employed with the details of pay and allowances drawn in that post.)

(*c*) Where the widow/daughter/son was given an employment on compassionate grounds and whether she/he is still continuing in that employment ... ...

(The details of the employment should be shown in the Remarks Column above.)

2. *Assets*

(*a*) Exact amount of Life Insurance ... ...

(*b*) Cash and bank balance. (Mention exact amounts.) ...

(*c*) Total value of other assets (movable and immovable property) ... ...

(In case of immovable property, details should be indicated.)

Nature	*Area*	*Location*	*Value*

(*d*) Income earned from the assets ... ...

NOTE.—In case there is no income, the word 'Nil' should be written. In other cases, the income should be mentioned in figures.

3. (*a*) Name and address of the applicant ... ...

(*b*) Relationship to the deceased Government servant ...

4. Reasons for assistance from the Compassionate Fund of the Government of India ... ...

5. If an application is being made after the expiry of one year from the date of death of the deceased Government servant, mention reasons for delay and also indicate how the widow and children have been subsisting during this period ... ...

6. Name of the Treasury in which payment is desired ...

I certify that the information given above is correct.

Place:

Dated the.....19

(*Signature or thumb-impression of the applicant*)

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PART II

(To be completed by the applicant in duplicate on separate sheets)

Descriptive Roll of the applicant for an award from the Compassionate Fund.

(*a*) Height ... ...

(*b*) Age ... ...

(*c*) Colour ... ...

(*d*) Personal marks of identification, if any ...

NOTE.—If there are no identification marks, the word 'Nil' should be written.

(*e*) Signature or thumb and finger impressions

Small finger Ring finger Middle finger

Index finger Thumb

Attested by (two or more persons of respectability in the town, village or pargana where the applicant resides).

Signature (*i*)

Name (*ii*)

Occupation and addresses of the attestors (*iii*)

PART III

(To be completed by Administrative Authority)

1. (*a*) Date of entry into service of the deceased Government servant ... ...

(*b*) Last appointment held by the deceased Government servant ... ...

(*c*) Pay and allowances at the time of death ... Pay

Special Pay, if any, Dearness allowance House rent allowance

Compensatory (city) allowances

Any other allowances with details

Total.....

(*d*) Date of birth ... ...

(*e*) Date of death ... ...

2. (*a*) Total service rendered permanent/quasi-permanent/ temporary ... ... *Years Months Days*

(*b*) Pensionable or non-pensionable ... ...

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(*c*) Whether family is eligible for any retirement benefits. If so, the following details should be given:—

I. Retirement Gratuity/Death Gratuity... ...

II. Family Pension:

(*i*) At the enhanced rate ... Amount
With effect from the
.....

(*ii*) At the normal rate ... ... Amount
With effect from the
.....

III. Provident Fund balance at the time of death:

(*a*) General Provident Fund ... ...

(*b*) Contributory Provident Fund ... ... (1) Subscriptions
(2) Government contributions
(3) Special contribution, if any.
Total of (*b*).....

(*c*) Deposit-Linked Insurance Scheme ...

IV. Cash equivalent of leave salary ... ...

V. Central Government Employees' Insurance/Group Insurance Scheme ... ...

3. Remarks of the superior officer on the work of the deceased officer as based on the Character Roll ... ...

(Character Roll for the entire length of service should be forwarded with the application.)

4. Was death due to or accelerated by devotion/extraordinary devotion to duty? ... ...

5. Recommendations of the Head of the Department regarding the amount of grant ... ...

6. Additional remarks, if any ... ...

Certified that the information furnished by the applicant at Column 2 (*c*) and (*d*) of Part I of the application has been checked with reference to the property returns furnished, or and the report made or the sanction obtained, by the deceased Government servant under sub-rules (1) and (2) of Rule 18 of the Central Civil Services (Conduct) Rules, 1964 and found to be correct.

Place.....

Dated the.....19

(Signature and Designation of Head of Office)

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APPENDIX 9

[1]THE CENTRAL CIVIL SERVICES (MEDICAL EXAMINATION) RULES, 1957

In exercise of the powers conferred by the proviso to Article 309 and clause (5) of Article 148 of the Constitution, and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely:—

1. (1) These rules may be called the Central Civil Services (Medical Examination) Rules, 1957.

(2) These rules shall apply to every person—

(*a*) who is a member of a Civil Service of the Union; or

(*b*) who holds a civil post under the Union; or

(*c*) who is a civilian Government servant in the Defence Services,

but shall not apply to any railway servant as defined in Rule 102 of Volume 2 of the Indian Railways Establishment Code.

EXPLANATION.—For the purpose of this sub-rule "Defence Service" means services under the Government of India in the Ministry of Defence paid out of the Defence Service Estimate and not subject to the Army Act, 1950 (6 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1959 (45 of 1959).

2. (1) Where the competent authority has reason to believe that a Government servant to whom these rules apply is suffering from—

(*a*) a contagious disease, or

(*b*) a physical or mental disability which in its opinion interferes with the efficient discharge of his duties,

that authority may direct the Government servant to undergo a medical examination within such period not exceeding one month as may be specified by it and may, if it considers it essential to do so, also direct the Government servant to proceed on leave forthwith pending medical examination. Such leave shall not be debited to the leave account of the Government servant, if the examining medical authority subsequently expressed the opinion that it was unnecessary for the Government servant to have been required to proceed on leave.

(2) On the basis of the opinion expressed by the examining medical authority and subject to the provisions of sub-rule (3), the competent

1. G.I., M.H.A., Notification No. 38/11/54-Est. (A), dated the 28th December, 1957, as amended by Notification No. 38/3/59-Est. (A), dated the 22nd September, 1960 and No. 38/3/66-Ests. (A), dated the 6th April, 1967.

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authority may require the Government servant to proceed on leave or, if he is already on leave to continue to remain on leave or may retire him from service if he is a permanent Government servant, or may terminate his services if he is a quasi-permanent Government servant.

(3) The procedure for a medical examination, grant of leave on retirement from service, or termination of service under this rule shall be such as the President may by order prescribe.

(4) For the purpose of this rule, competent authority in relation to a Government servant means the authority competent to dismiss him and includes such other authority as the President may by order specify in his behalf.

(5) For the avoidance of doubt, it is hereby declared that non-compliance with a direction given under sub-rule (1) or sub-rule (2), of this rule will be considered a good and sufficient reason for the imposition of a penalty in accordance with the rules governing discipline applicable to the Government servant concerned.

3. A Government servant who has retired from service under sub-rule (2) of Rule 2 may be granted such invalid pension, gratuity or Provident Fund benefits as may be admissible to him under the rules applicable to him on the date of such retirement.

3-A. A Government servant whose services have been terminated in pursuance of sub-rule (2) of Rule 2 may be granted such gratuity as may be admissible under the rules applicable to him on the date of such termination.

4. If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

GOVERNMENT OF INDIA'S DECISIONS

(1) 1. In pursuance of sub-rule (3) of Rule 2 of the Central Civil Services (Medical Examination) Rules, 1959 (hereinafter referred to as the said rules), the examining medical authority shall be—

(*a*) a Medical Board, in the case of (*i*) all Gazetted Government servants and (*ii*) those non-gazetted Government servants whose pay, as defined in Rule 9 (21) of the Fundamental Rules, exceeds *Rs. 750 p.m.

(*b*) a Civil Surgeon or District Medical Officer or a Medical Officer of equivalent status, in other cases.

2. (1) The authority directing the Government servant to undergo medical examination under sub-rule (1) of Rule 2 of the said rules shall communicate to the examining medical authority all such details concerning the medical history of the case as might be available in his office records of the case and shall include a directive and the standard of physical fitness to be adopted, should make due allowance for the age and length of service of the Government servant concerned.

*Now Rs. 2,200 p.m. *See* Rule 38, CCS (Pension) Rules, 1972.

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(2) The authority directing the Government servant to proceed on leave pending medical examination under sub-rule (1) of Rule 2 of the said rules shall also intimate the fact to the examining medical authority and require it to express an opinion on the necessity for the Government servant to have been required to proceed on leave.

3. (1) If the examining medical authority finds the Government servant to be in a bad state of health and consider that a period of absence from duty is necessary in his case for the recovery of his health, it may recommend the grant of leave to him for that period.

(2) If that authority considers that there is no reasonable prospect of the Government servant recovering his health and becoming fit to resume his duties, it shall record the opinion that the Government servant is permanently incapacitated for service and also give detailed reasons for that opinion.

(3) In either case the examining medical authority shall communicate its findings to the authority which directed the Government servant to undergo the medical examination.

4. (1) A Government servant in whose case the grant of leave is recommended by the examining medical authority, shall be required to proceed on leave, or, if he is already on leave, continue to remain on leave, by the authority competent to grant him leave as soon as findings of the medical authority become available.

(2) The leave granted under sub-rule (1) or sub-rule (2) of Rule 2 of the said rules shall be of such nature and for such period as would be admissible to the Government servant under the rules applicable to him if he had applied for the leave on medical certificate provided that the period of leave shall not extend beyond the date of expiry of the period recommended by the medical authority.

5. (1) A Government servant declared by the examining medical authority to be permanently incapacitated for further service shall be retired from service, but before the Government servant is actually retired from service, the authority which directed him to undergo the medical examination shall inform him in writing of the action proposed to be taken in regard to him indicating briefly the grounds on which such action is proposed to be taken—

(2) the Government servant shall also be informed that—

(*a*) subject to the provisions of Supplementary Rule 233 (1) (*b*) and (2) [cf. Rule 20 of CCS (Leave) Rules, 1972], as the case may be, and any orders regarding grant of leave to persons suffering from specified diseases like tuberculosis, his retirement will have effect on expiry of a period of one month from the date of communication unless he so desires to retire from an earlier date;

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(*b*) he may submit, if he so desires, within the period of one month, a request to be examined by Medical Review Board supported by prima facie evidence that good grounds exist for doing so; and

(*c*) if he prefers a request for examination by a Medical Review Board, he shall be liable to pay the fees prescribed under paragraph 7 below.

(3) For the period from the date of communication up to the date of retirement under paragraph 6, the Government servant shall be granted leave under the rules applicable to his post or service as if he had applied for leave on medical certificate.

6. On receipt of an application for review, the competent authority shall take steps to constitute a Special Review Board in consultation with the administrative Medical Officer of the State. If the Review Board confirms the opinion of the examining authority, the retirement of the Government servant shall, subject to the provisions of SR 233 (1) (*b*) and (2), [cf. Rule 20 of CCS (Leave) Rules, 1972] be effective from the date on which the decision is communicated to the Government servant. If, on the other hand, the Review Board recommends grant of leave to the Government servant, action shall be taken as provided in paragraph 4.

7. The entire expenditure for medical examination conducted at the instance of the employing department to ascertain whether a Government servant is fit for continuance in service or not shall be borne by the Government. This will include Travelling Allowance as on tour with halting allowance where the medical examination is carried out at a station other than the headquarters of the Government servant concerned and also reimbursement of fee charged, if any, for such examination. The expenditure incurred in assembling the Review Board shall also be borne by the Government, provided that the Government servant shall be required to pay a prescribed fee which shall be refunded if the Government servant is not retired or his services are not terminated as recommended by the examining authority.

[G.I., M.H.A., O.M. No. 38/3/63-Ests. (A), dated the 12th September, 1963.]

(2) Under orders of the Government of India no employee is, under any circumstances whatever, has to be retained in active employment when he is physically or mentally unfit for the proper discharge of his duty. When a Government servant is in bad health and unable to perform his duties in a satisfactory manner, it is his business to apply for and obtain leave. If he does not go on leave and neglects his duty, the excuse, if put forward, that he was in bad health, will not be accepted. In appropriate cases, the employees may be sent for medical examination for adjudging his fitness to continue in service in accordance with the provisions of the above rules.

[Para. 61, Chapter I of Posts and Telegraphs Manual, Volume III.]

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APPENDIX 10

INSTRUCTIONS REGARDING PREMATURE RETIREMENT OF CENTRAL GOVERNMENT SERVANTS

(1)

Consolidated Instructions

With a view to improving efficiency and strengthening administrative machinery at all levels, Government have the absolute powers under Fundamental Rules, CCS (Pension) Rules, 1972 and Civil Service Regulations, to retire a Government employee in the public interest, before his normal date of retirement, on attaining a specified age or on completing a specific length of service. However, in order to ensure that the power, conferred on the authorities empowered to retire a Government employee prematurely is exercised fairly and impartially and not arbitrarily, instructions have been issued from time to time laying down the criteria and procedure to be followed before a Government employee is retired prematurely. Further, a detailed procedure has also been laid down for consideration of representations from Government employees who are served with the order or notice of premature retirement. As the various instructions have been issued over a period of time, they have now been consolidated in the succeeding paragraphs of this Memorandum for the information and guidance of all the authorities concerned.

I. Rules Position

(1) In accordance with the provisions of Fundamental Rule 56 (*j*) the appropriate authority has the absolute right to retire, if it is necessary to do so in public interest, any Government employee as follows:—

(*i*) If he is in Group 'A' or 'B' service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years;

(*ii*) In any other case, after he has attained the age of 55 years provided that in the case of a Group 'D' official, such action can be taken if he entered service after 23rd July, 1966.

In other words, a Government servant belonging to Groups 'A' and 'B' who has entered Government service after attaining the age of 35 years, and officers belonging to Groups 'C' and 'D' can be prematurely retired after they have attained the

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age of 55 years with th exception of Group 'D' officials, who entered service on or before 23rd July, 1966.

(2) In addition, a Government servant in Group 'C' service or post who is not governed by any pension rules, can also be retired after he has completed thirty years' service, under FR 56 (*l*).

(3) Identical provisions exist in Article 459 of the Civil Service Regulations.

(4) Provisions also exist in Rule 48 of the CCS (Pension) Rules, 1972, for the retirement of a Government employee by giving him three months' notice, if it is necessary to do so in public interest, after he has completed 30 years of qualifying service for pension. In other words, a Government employee who may belong to Groups 'A', 'B', 'C' or 'D' can be prematurely retired, irrespective of the age at the appropriate time, after he has completed 30 years of qualifying service.

(5) Provisions exist in the relevant rules which confer reciprocal right on Government employee to seek voluntary retirement after he has attained the age of 50/55 years or has completed 30 years of qualifying service, as the case may be.

II. Criteria, Procedure and Guidelines

In order to ensure that the powers vested in the appropriate authority are exercised fairly and impartially and not arbitrarily, it has been decided to lay down the procedures and guidelines for reviewing the cases of Government employees covered under the various aforesaid rules as mentioned below—

(1) The case of Government servant covered FR 56 (*j*) or Rule 48 of the CCS (Pension) Rules, 1972 or CSR 459 (*h*) should be reviewed six months before they attain the age of 50/55 years or complete 30 years service/30 years of qualifying service, whichever occurs earlier.

(2) Committees shall be constituted in each Ministry/Department/Office, as shown in Annexure II, to which all such cases shall be referred for recommendation as to whether the officer concerned should be retired from service in the public interest or whether he should be retained in service.

(3) The criteria to be followed by the Committee in making their recommendations would be as follows:—

(*a*) Government employees whose integrity is doubtful, will be retired.

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(*b*) Government employees, who are found to be ineffective will also be retired. The basic consideration in identifying such employee should be the fitness/competence of the employee to continue in the post which he is holding.

(*c*) While the entire service record of an Officer should be considered at the time of review, no employee should ordinarily be retired on grounds of ineffectiveness if his service during the preceding 5 years, or where he has been promoted to a higher post during that 5 years' period, his service in the highest post, has been found satisfactory.

(*d*) No employee should ordinarily be retired on ground of ineffectiveness, if, in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case.

(4) The appropriate authority shall take further action for the recommendations of the committee. In every case, where it is proposed to retire a Government servant in exercise of the powers conferred by the said rule(s), the appropriate authority should record in the file that it has formed its opinion that it is necessary to retire the Government servant in pursuance of the aforesaid rule(s) in the public interest. In case of Union of India *versus* Col. J.N. Sinha, the Supreme Court had observed that "the appropriate authority should bona fide form an opinion that it is in public interest to retire the officer in exercise of the powers conferred by that provision and this decision should not be an arbitrary decision or should not be based on collateral grounds.

(5) The rules relating to premature retirement should not be used—

(*a*) to retire a Government servant on grounds of specific acts of misconduct, as a short-cut to initiating formal disciplinary proceeding; or

(*b*) for reduction of surplus staff or as a measure of effecting general economy without following the rules and instructions relating to retrenchment.

(6) *Omitted.*

(7) Once a decision has been taken by the appropriate authority to retain a Government employee beyond the age of 50 years in the case of employees referred to in FR 56 (*j*) (*i*), or beyond the age of 55 years in the case of others or beyond the date of completion of 30 years' service under FR 56 (*l*) or 30 years of qualifying service for pension under Rule 48 of the CCS (Pension) Rules, he would ordinarily continue in service till he attains the age of retirement. If, however, the appropriate authority considers at any time after a review aforesaid that the retention of the Government employee will not be in the public interest, that authority may take necessary action to retire the officer by following the procedure laid down in this OM.

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(8) When the appropriate authority has come to the conclusion that a Government employee may be prematurely retired, the three months' notice referred to in FR 56 (*j*) and FR 56 (*l*) may be given before the Government servant attains the specified age or has completed 30 years of service, as the case may be. But, the retirement should take place after Government servant has attained the relevant age or has completed 30 years of service, as the case may be. In this connection, attention is invited to Note 2 under FR 56. Accordingly, a notice even longer than three months or before the Government servant attains the age of 50/55 years/completes 30 years' service could be given but the date from which he is required to retire as specified in the notice should not be before he attains the age of 50/55 years, or completes 30 years' service, as the case may be. Similarly, in cases of retirement under Rule 48 of the CCS (Pension) Rules, 1972, while the notice of such retirement could be given before the Government servant actually completes 30 years of service qualifying for pension, the date of expiry of the notice on which the Government employee's retirement would be effective should be one falling on or after the date of his completing 30 years of service qualifying for pension. In this connection, attention is also invited to the Ministry of Finance, O.M. No. F. 12 (8)/E. V (A)/60, dated the 6th July, 1960 [*See* Decision No. (1) in this Appendix], in which it has been stated *inter alia* that orders requiring a Government employee to retire after completing 30 years' qualifying service should, as a rule, not be issued until after the fact that the Government employee has indeed completed, or would be completing on the date of retirement, qualifying service of 30 years, has been verified in consultation with the account/audit officer concerned.

(9) While computing the notice period of not less than three months, referred to in clause (*j*) to (*m*) of FR 56, or in Rule 48 of the CCS (Pension) Rules, 1972, the date of service of the notice and the date of its expiry shall be excluded. The date of premature retirement of Government employee should be on the forenoon of the day (which should be treated as a non-working day) following the day of expiry of the notice.

(10) The notice of retirement served on a Government employee in pursuance of the aforesaid rules will be as in the forms set out in Annexure III. While Forms I and II may be used to serve the notice of retirement in a case where a Government employee has already attained the age of 50/55 years or completed 30 years of qualifying service/30 years service, as the case may be, Form III or IV may be used in a case where it is decided to serve the notice of retirement before a Government servant actually attains the age of 50/55 years or completes 30 years of qualifying service/30 years of service, as the case may be. The pro forma for ordering retirement in the public interest forthwith under FR 56 (*j*) or (*l*) or Rule 48 of the CCS (Pension) Rules, 1972, where it is decided to dispense with the three months' notice, will be as in Forms V and VI.

(11) In a case where a Government employee refuses to accept the service of notice of retirement or order of retirement along with cheque/

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cash equivalent to three months' pay and allowances, it should be ensured that the refusal of the Government employee is witnessed by two Gazetted officers. In such a case, a copy of the notice/order of retirement may be sent under registered post with acknowledgement due to the individual concerned at the last officially known address, with covering letter, stating that the original notice/order of retirement was taken by such and such person for delivery to him/her on such and such date and that he/she refused to accept the same and in the said circumstances, its copy is being sent by registered post for his/her record. In such a case, the date of effect of the notice of retirement/order of retirement would be from the forenoon of the date following the date of refusal by the individual (witnessed by two Gazetted officers). Where the person concerned has refused to accept the cheque/cash equivalent to three months' pay and allowances, the same procedure that is followed in case where a Government employee has failed to accept his/her dues from Government may be followed, in so far as its disbursement is concerned.

III. Procedure for consideration of representations

(1) A Governmenet employee who has been served with a notice/order of premature retirement under the provisions mentioned above, may submit a representation within three weeks from the date of service of such notice/order.

(2) On receipt of a representation, the Administrative Ministry/Department/Office should examine the same to see whether it contains any new facts or any new aspect of a fact already known but which was not taken into account at the time of issue of notice/order of premature retirement. This examination should be completed within two weeks, from the date of receipt of the representation. After such examination, the case should be placed before the appropriate Committee for consideration. The composition of the Committee for the purpose of considering the representations against premature retirement shall be as indicated in Annexure II.

(3) The Committee considering the representation shall make its recommendation on the representation within two weeks from the date of receipt of the reference from the administrative authorities concerned. The authority which is empowered to pass final orders on the representation should pass its orders within two weeks from the date of receipt of the recommendations of the committee on the representation.

(4) If, in any case, it is decided to reinstate a prematurely retired Government employee in a service after considering his representation in accordance with these instructions, the period intervening between the date of premature retirement and the date of reinstatement may be regulated by the authority ordering reinstatement as duty or as leave or *dies non*, as the case may be, taking into account the merits of each case.

(5) In the cases of employees who had been prematurely retired on grounds of inefficiency and by the time the Committee to consider the

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representations against such premature retirement came to the conclusion that premature retirement was unjustified, the date of superannuation of the employees has already arrived or had passed, it has been decided that the authorities empowered to pass final orders may at their discretion reinstate the superannuated Government servants notionally with effect from the date of compulsory retirement and treat the period up to the date of superannuation, as duty, leave or *dies non* as may be considered appropriate by the competent authority. [*Also* see *proviso to FR* 56 (*jj*) (*i*)].

(6) Representations from Government employees who have been served with a notice/order of premature retirement, but have obtained stay order(s) from a Court against the order/notice of premature retirement, need not be considered by the Administrative Ministry/Department or Office nor sent up to the Committee until the disposal of the Court case. Thereafter the cases may be examined as outlined above, also taking into account any material of a substantive nature that may feature in the Court judgment.

(7) As and when representations are received from affected employees against the orders of premature retirement relating to the period of emergency, or on receipt of a fresh representation in such cases, even if an earlier representation against the premature retirement had already been considered by the appropriate committee and rejected, they should be examined by the appropriate 'Representation' committees which shall take special care to see that—

(*a*) over-rigorous standards were not applied at the time of original review in the matter of judging ineffectiveness of the employee on account of a mistaken sense of overzealousness; and

(*b*) premature retirement was not resorted to as a means of political or personal victimisation.

(8) It should be ensured that review of cases of the employee prematurely retired during the emergency is conducted by a Committee of Officers of appropriate status unconnected with the original decision to retire the employee prematurely.

IV. Time-schedule for review

In order to ensure that the review is undertaken regularly and in due time, Ministries/Departments are requested to maintain a suitable register (or registers) of employees under their control or who belong to cadres/services controlled by them, who are due to attain the age of 50/55 years or complete 30 years of service, as the case may be, and also to instruct their attached and subordinate offices to take similar action. This register should be scrutinised at the beginning of every quarter by a senior officer in the Ministry/Department and in attached and subordinate offices, and the review undertaken according to the following schedule:—

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Quarter in which review is to be made	Cases of employees who will be attaining the age of 50/55 years or will be completing 30 years of service or 30 years of service qualifying for pension, as the case may be, in the quarter indicated below to be reviewed
1. January to March	July to September of the same year.
2. April to June	October to December of the same year.
3. July to September	January to March of the next year.
4. October to December	April to June of the next year.

Ministry of Finance, etc., are requested to bring the contents of this Office Memorandum to the notice of all the officers concerned for their guidance and compliance.

[G.I., M.H., Dept. of Per. & A.R., O.M. No. 25013/14/77-Estt. (A), dated the 5th January, 1978.]

ANNEXURE I

[Extracts of the relevant rules from Fundamental Rules, Civil Service Regulations and Central Civil Services (Pension) Rules, 1972]

Not printed.

ANNEXURE II

CONSTITUTION OF COMMITTEES

Classification 1	*Composition of Review Committee* 2	*Composition of Representation Committee* 3
1. Gazetted Officers holding posts, initial appointment to which is referable to the Appointments Committee of the Cabinet.	1. The Senior Selection Board in respect of Officers of the rank of Joint Secretary or equivalent or the Central Establishment Board in respect of Officers above the rank of Under Secretary but below the rank of Joint Secretary or equivalent, as the case may be, will make its recommendations which will be placed before the Appointments Committee of the Cabinet for orders. In respect of Officers of the rank of Additional Secretary, Special Secretary and Secretary to Government of India, Cabinet Secretary will make his recommendation directly to the Appointments Committee of the Cabinet for orders:	1. The Senior Selection Board shall make its recommendations to the Appointments Committee of the Cabinet for order. For this purpose the representations of the Officers concerned may be sent by the Cadre Controlling Authority or the Administrative Ministry/Department to the Office of the Establishment Officer in the Department of Personnel and Administrative Reforms.

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Classification 1	*Composition of Review Committee* 2	*Composition of Representation Committee* 3
	Provided that in respect of Officers of the Indian Foreign Service whose appointments are made on the recommendations of the Foreign Service Board, that Board will make its recommendations which will be placed before the Appointments Committee of the Cabinet for orders.	
2. Other Gazetted Officers working in or under a Ministry/Department.	2. Secretary of the Ministry/Department concerned as the Chairman and one other senior officer from another Department/Ministry nominated by the Cabinet Secretary as Member. Final orders will be passed by the Minister concerned.	2. Secretary of a Department/Ministry other than the one in which the officer is working and an Officer of the rank of Additional Secretary/Joint Secretary of another Department/Ministry as Cabinet Secretary's nominee. Where it is considered necessary, the Secretary may delegate his powers to the Additional Secretary to preside over the Committee considering representations of Group 'B' Gazetted officers. Final orders will be passed by the Minister-in-charge of the Ministry/Department concerned.
3. *Non-gazetted officers*		
(*i*) Non-gazetted officers serving in the Headquarters of Ministry/Department.	3. (*i*) The Joint Secretary-in-charge of Administration or any other Joint Secretary, as Chairman and another senior officer as member. Where action is proposed to be taken on grounds of lack of integrity, the Chief Vigilance Officer of the Ministry/Department will be associated as a member. Final orders will be passed by the appropriate authority.	3. (*i*) and (*ii*) A Committee of Officers of appropriate status unconnected with the original decision to retire the employee prematurely should be constituted. Final orders shall be passed by the appropriate authority only after obtaining the approval of the Secretary in the Administrative Ministry/Department. Where, however, the order of premature retirement was issued by the President, final orders on the representation shall be passed by the Minister-in-charge of the Ministry/Department concerned. In the case of Indian Audit and Accounts Department employees, final orders on such
(*ii*) Non-gazetted officers serving under a Ministry/Department.	(*ii*) The Head of the Department or the Appointing Authority whomsoever is higher would be the Chairman; another senior officer nominated by an appropriately higher authority and	

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Classification 1	*Composition of Review Committee* 2	*Composition of Representation Committee* 3
	who does not exercise direct immediate control or supervision over the officers being screened as member. If action is proposed to be taken on grounds of lack of integrity the Vigilance Officer concerned shall be associated as third Member. Final orders will be passed by the appropriate authority.	representation would be passed after approval by Deputy Comptroller and Auditor-General.
4. Officers who are/were members of organised services.		4. Committees set up by the appropriate Cadre Controlling Authorities on the lines indicated for Sl. Nos. 2 and 3 above. Final orders will be passed by the authority mentioned against Sl. Nos. 2 and 3 above, as the case may be.

NOTE.—In the case of Gazetted and non-gazetted officers belonging to an organised service, working in or under Ministry/Department, the review shall be done in the Ministry/Department which is the cadre controlling authority to which the officer belongs. The cadre controlling authorities should obtain the comments of the Ministry/Department in or under which the officer concerned is serving for the time being, and place the case before the appropriate Review Committee.

ANNEXURE III

FORM 1

(To be used where the President is the appropriate authority to retire a Central Government servant)

ORDER

Whereas the President is of the opinion that it is in the public interest to do so;

NOW THEREFORE in exercise of the powers conferred by [1]clause.....[2]of Rule 56 of the Fundamental Rules/[1]Rule 48 of the Central Civil Services (Pension) Rules, 1972, the President hereby gives notice to (name)..... (designation).....that he having already attained the age of fifty/fifty-five years or having completed thirty years of service qualifying for pension of the [3].....19..... shall retire

1. Strike off the portion not applicable.

2. Here state *(j)* *(i)* or *(j)* *(ii)* or *(l)*, as the case may be.

3. The date following the date on which he attains the age of 50/55 years/completes 30 years' service qualifying for pension. Either of the two alternatives may be used according to requirements.

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from service on the forenoon of.....or on the forenoon of the day following the date of expiry of three months computed from the date following the date of service of this notice on him.

(*Signature*)

Designation*

To

Shri/Smt.....

.....

ACKNOWLEDGEMENT

I,....., now holding the post of.....hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Countersigned:	*Sd/-*
Name	
Designation	Designation
Place	Place
Date	Date

*Any authority who is competent to authenticate orders on behalf of the President can sign this order.

FORM II

(*To be used where an authority other than the President is the appropriate authority to retire a Government servant*)

ORDER

WHEREAS the.....[1](appropriate authority) is of the opinion that it is in the public interest to do so;

NOW THEREFORE, in exercise of the powers conferred by [2]clause..... [3]of Rule 56 of the Fundamental rules/[2]Rule 48 of the Central Civil Services (Pension) Rules, 1972, the.....[1]/(appropriate authority) hereby gives notice to (name)..... (designation).....that he, having already attained the age of fifty/fifty-five years or having completed thirty years of service or thirty years of service qualifying for pension on the .....19...., shall retire from service on the forenoon of[4]..... or on the forenoon of the day following the date of expiry of three months computed from the date following the date of service of this notice on him.

Signature

Designation of the appropriate authority

To

Shri/Smt.....

.....

1. As defined in F.R. 56.
2. Strike off the portion not applicable.
3. Here state (*i*) (*i*), (*i*) (*ii*) or (*l*), as the case may be.
4. The date following the date on which he attains the age of 50/55 years/completes thirty years of service/thirty years of service qualifying for pension. Either of the two alternatives may be used according to requirements.

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ACKNOWLEDGEMENT

I,....., now holding the post of.....hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Countersigned: *Sd/-*
Name
Designation Designation
Place Place
Date Date

FORM III

(To be used where the President is the appropriate authority to retire a Central Government servant)

ORDER

WHEREAS the President is of opinion that it is in the public interest to do so;

NOW THEREFORE, in exercise of the powers conferred by [1]clause..... [2]of Rule 56 of the Fundamental Rules/[1]Rule 48 of the Central Civil Services (Pension) Rules, 1972, the President hereby gives notice to.....(name) .....(designation) that he, on attaining the age of fifty/fifty-five years or on completing thirty years service qualifying for pension on the [3].....shall retire from service on the forenoon of the day following the date of expiry of three months computed from the date following the date of service of this notice on him, whichever is later.

(*Signature*)
Designation[4]

To
Shri/Smt.....
.....

ACKNOWLEDGEMENT

I,....., now holding the post of.....hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Countersigned: *Sd/-*
Name
Designation Designation
Place Place
Date Date

FORM IV

(To be used where an authority other than the President is the appropriate authority to retire a Government servant)

ORDER

WHEREAS the.....[5](appropriate authority) is of the opinion that it is in the public interest to do so;

---

1. Strike off the portion not applicable.
2. Here state (*j*) (*i*), (*j*) (*ii*) or (*l*), as the case may be.
3. The date following the date on which he attains the age of 50/55 years/completes thirty years' service/thirty years of service qualifying for pension. Either of the two alternatives may be used according to requirements.
4. Any authority who is competent to authenticate orders on behalf of the President can sign this order.
5. As defined in FR 56.

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NOW THEREFORE, in exercise of the powers conferred by [1]clause..... [2]of Rule 56 of the Fundamental Rules/[1]Rule 48 of the Central Civil Services (Pension) Rules, 1972, the.....[3](appropriate authority) hereby gives notice to..... (name).....(designation) that he on attaining the age of fifty/five-five years or on completing thirty years of service or thirty years of service qualifying for pension on the.....19 , shall retire from service on the forenoon of [4].....or on the forenoon of the day following the date of expiry of three months computed from the date following the date of service of this notice on him, whichever is later.

(*Signature*)
Designation of the appropriate authority

To
Shri/Smt.....
.....

ACKNOWLEDGEMENT

I,....., now holding the post of.....hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Countersigned:
Name
Designation
Place
Date

Sd/-
Designation
Place
Date

FORM V

(*To be used where the President is the appropriate authority to retire a Central Government servant*)

ORDER

WHEREAS the President is of the opinion that it is in the public interest to do so;

NOW THEREFORE, in exercise of the powers conferred by clause [1]clause..... [2]of Rule 56 of the Fundamental Rules or [1]Rule 48 of the Central Civil Services (Pension) Rules, 1972, the President hereby retires Shri/Smt./Kum.....with immediate effect, he/she having already attained the age of 50/55 years or having already completed thirty years of service or thirty years of service qualifying for pension on the [5]..... The President also directs that Shri/Smt./Kum.....shall be paid a sum equivalent to the amount of his/her pay *plus* allowance for a period of three months calculated at the same rate at which he/she was drawing them immediately before his/her retirement.

(*Signature*)
Designation of the appropriate authority[6]

To
Shri/Smt/Kum.....
.....
.....

---

1. Strike off the portion not applicable.

2. Here state (*i*) (*i*), (*i*) (*ii*) or (*l*), as the case may be.

3. As defined in FR 56.

4. The date following the date on which he attains the age of 50/55 years/completes 30 years' service/thirty years of service, qualifying for pension.

5. The date following the date on which he attains the age of 50/55 years/completes 30 years' service/thirty years of service qualifying for pension. Either of the two alternatives may be used according to requirements.

6. Any authority who is competent to authenticate orders on behalf of the President can sign this order.

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ACKNOWLEDGEMENT

I,....., now holding the post of.....in the Ministry/Department of.....hereby acknowledge the receipt of the original of the order of retirement as aforesaid along with cash or crossed cheque No....., dated....., for Rupees.....(Rupees.....only).

Countersigned: *Sd/-*
Name
Designation Designation
Place Place
Date Date

FORM VI

(To be used where an authority other than the President is the appropriate authority to retire a Government servant)

ORDER

WHEREAS the.....[1](appropriate authority) is of the opinion that it is in the public interest to do so;

NOW THEREFORE, in exercise of the powers conferred by [2]clause..... [3]of Rule 56 of the Fundamental Rules or [2]Rule 48 of the Central Civil Services (Pension) Rules, 1972, the.....[1](appropriate authority) hereby retires Shri/Smt./Kum..... with immediate effect, he/she having already attained in the age of 50/55 years or having already completed 30 years of service/30 years of service qualifying for pension on the [4].....Shri/Smt./Kum.....shall be paid a sum equivalent to the amount of his/her pay *plus* allowances for a period of three months calculated at the same rate at which he/she was drawing them immediately before his/her retirement.

(Signature)
Designation of the appropriate authority[1]

To
Shri/Smt/Kum.....
.....
.....

ACKNOWLEDGEMENT

I,....., now holding the post of.....in the Ministry/Department .....hereby acknowledge the receipt of the original of the order of retirement as aforesaid along with cash or crossed cheque No....., dated....., for Rupees.....(Rupees.....only)

Countersigned: *Signature*
Name
Designation Designation
Place Place
Date Date

1. As defined in FR 56.
2. Strike off the portion not applicable.
3. Here state *(j) (i), (j) (ii)* or *(l)*, as the case may be.
4. The date following the date on which he attains the age of 50/55 years/completes 30 years' service/thirty years of service qualifying for pension. Either of the two alternatives may be used according to requirements.

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(2)

Guidelines relating to action where integrity of the Government servant is doubtful

Paragraph II (3) (*a*) of the Consolidated Instructions relating to premature retirement of Central Government servants with a view to strengthening of administration issued under the Ministry of Home Affairs (Department of Personnel and Administrative Reforms), Office Memorandum No. 25013/14/77-Estt. (A), dated the 5th January, 1978 [*Order* (1) *above*], lays down that Government employees whose integrity is doubtful will be retired. This guideline has not, however, been adequately followed by the appointing authorities. With the Government's commitment to provide clean administration, it is essential that the power for premature retirement in public interest is availed of to weed out all those employees whose integrity is doubtful, with due regard to the appropriate procedure laid down for action for premature retirement. Further instructions to supplement those conveyed under the OM referred to above are now being issued to assist Ministries/Departments in taking action for premature retirement of Government employees whose integrity is doubtful.

Perusal of entire service record

2. Para. II (3) (*c*) of the Office Memorandum, dated the 5th January, 1978, lays down that the entire service record of an officer should be considered at the time of review. Consideration has ordinarily to be confined to the preceding 5 years or to the period in the higher post, in case of promotion within the period of 5 years, only where retirement is sought to be made on grounds of ineffectiveness. There is no such stipulation, however, where the employee is to be retired on grounds of doubtful integrity.

3. The term 'service record' is all-embrassive and review should not hence be confined to the consideration of only the annual Confidential Remarks recorded on the Officer. In the case of a number of Ministries/ Departments, Officers take action for concluding contracts, settling claims, assessing taxes or duties payable, etc. Doubts may have arisen relating to the bona fide nature of action taken by the officer, but on account of inadequate proof, it may not have been possible to initiate action for a regular departmental inquiry, leading finally to a punishment of the nature that may find entry in the CR dossier of the officer. But the personal file of the officer may have details of the nature of doubt that arose regarding the integrity of the officer and the result of the preliminary investigation that was carried out. Matters found on the personal file of the officer can and should also, therefore, be placed before the Review Committee and not only the CR dossier of the officer.

4. It is likely that each allegation that comes to notice against the integrity of the officer may have been handled on a separate file and that details thereof may not be available on the personal file of the officer,

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which is confined only to establishment matters, like increments, promotions, leave, PF advances, etc. In such a situation, well ahead of the meeting of the Review Committee, the Ministry/Department will have to compile together all the data available in the separate files and prepare a comprehensive brief for the consideration of the Review Committee.

5. There are a number of judicial pronouncements in support of the instruction above that a total assessment of the performance of the Government servant can be made. There have also been observations that have approved any measure by which the assessment by superiors, with an opportunity to watch the work and conduct of an officer, is taken into account while deciding premature retirement. In Union of India *v.* M.E. Reddy and another (AIR 1980 SC 563) the Supreme Court observed—

> "It will indeed be difficult, if not impossible to prove by positive evidence that a particular officer is dishonest, but those who have had the opportunity to watch the performance of the said officer in close quarters are in a position to know the nature and character not only on his performance but also of the reputation that he enjoys."

In R.L. Butail *v.* Union of India and another (1971) 2 SCR 55, the observation was—

> "It may well be that in spite of the work of the appellant being satisfactory, as he claimed it was, there may have been other relevant factors, such as the history of the appellant's entire service and confidential reports throughout the period of the service, upon which the appropriate authority may still decide to order appellant's retirement under FR 56 (*j*)."

6. For preparing a comprehensive brief on each officer, for being placed before the Review Committee, each Ministry/Department may consider the setting up of an internal Screening Committee to assist the Reviewing Committee consisting to the extent possible of those senior officers who have had occasion to know about the work and conduct of the officer proposed to be reviewed. Such Screening Committee may be constituted for each different rank or each different functional area, as may be necessary or convenient. These may be set up as a standing arrangement and a Screening Committee is not to be constituted as a separate *ad hoc* measure, only at the time when the case of a particular officer is taken up for consideration of premature retirement.

Annual Confidential Remarks

7. Entries in the CR dossier of an officer will of course form a very important part of the total service record taken into consideration while reviewing any proposal for premature retirement. There are, however, certain misconceptions relating to the procedure to be adopted in this behalf; and clarifications are being given below, again based on judicial pronouncements.

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8. The general impression prevalent that the Review Committee shall not take into account any remark that has not been communicated to the officer, is not a self-restraint that should invariably hold good in all circumstances. Non-communication of an adverse entry in regard to doubtful integrity may not be fatal in certain circumstances. The Supreme Court observed in the case of Union of India *v.* M.E. Reddy and another, already referred to in para. 5 above—

> "Mr. Krishnamurthy Iyer appearing for Reddy submitted that the order impugned is passed on materials which are non-existent inasmuch as there are no adverse remarks against Reddy who had a spotless career throughout and if such remarks would have been made in his confidential report, they should have been communicated to him under the rules. This argument, in our opinion, appears to be based on a serious misconception. In the first place, under the various rules on the subject, it is not every adverse entry or remark that has to be communicated to the officer concerned. The Superior Officer may make certain remarks while assessing the work and conduct of the subordinate officer based on his personal supervision or contact. Some of these remarks may be purely innocuous or may be connected with general reputation of honesty or integrity that a particular officer enjoys."

9. However, even though Reddy's case was referred to in the case of Brij Behari Lal *v.* High Court of Madhya Pradesh (AIR 1981 SC 594), the Supreme Court, taking into account the fact that certain adverse remarks had not been communicated, held the order under FR 56 (*j*) as invalid. The position that emerges, therefore, is that, in a particular case, while an odd adverse remark that may not have been communicated to the officer concerned, could be taken into account as part of the total service record considered by the Review Committee, it would not, as a matter of course, be appropriate to take into account adverse remarks which have not been communicated to the officer.

The Supreme Court has also not accepted the contention that a remark of a general nature, without basing it on a specific instance, does not give an adequate opportunity for representation against it and should not therefore, be taken into account. In the case of R.L. Butail *v.* Union of India, already referred to in para. 5 above, it has been observed—

> "The contention, therefore, that the adverse remarks did not contain specific instances and were, therefore, contrary to the rules, cannot be sustained. Equally unsustainable is the corollary that because of the omission, the appellant could not make an adequate representation and that, therefore, confidential reports are vitiated."

10. Another point to be kept in view is that when an overall assessment is made of the record of a Government servant, more than ordinary value should be attached to the confidential remarks pertaining to the years immediately preceding the review. It is possible that a Government servant

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having a somewhat erratic record in the early years of service may have so greatly improved with the passage of time that it would be appropriate to continue him in service up to the prescribed age of superannuation. Whatever value the confidential remarks of earlier years may possess, those pertaining to the later years immediately preceding the review are of direct relevance and hence of utmost importance. This view has been expounded in the case of Brij Behari *v.* High Court of Madhya Pradesh, referred to above and has been followed in J.D. Srivastava *v.* State of Madhya Pradesh (AIR 1984 SC 630).

11. The Department of Personnel and Training is aware of the general tendency noticed among reporting/reviewing officers to desist from expressing their suspicions against the integrity of an officer reported upon, while recording annual confidential remarks. The instructions at present in force relating to entries regarding the integrity of an officer are being reviewed. In any case, reliance should not be placed only on the CR dossier, but the entire service record including personal or other files relating to the officer should be taken into account, when premature retirement is under consideration, as already explained in para. 3 to 6 above.

Action should be in the public interest:

12. The OM, dated the 5th January, 1978, referred to in para. 1 above, has already drawn attention to the rulings by the Supreme Court that principles of natural justice do not get attracted in the context of the specific provisions in FR 56 (*j*). This means that no opportunity to show cause against the proposed action of premature retirement is to be given to the officer concerned. The order issued to the officer has to specify that action has been taken in the public interest, as the form appended to the OM, dated the 5th January, 1978, makes the requirement abundantly clear. Action taken should, in fact, be bona fide and in the public interest based upon relevant grounds and not be arbitrary or actuated by *mala fides*. Any contention that the action has been influenced by extraneous or irrelevant considerations, arbitrariness or malice will be closely inquired into by the Courts; and if the contention is upheld, the order of premature retirement is liable to be struck down. It is, therefore, absolutely essential that Ministries/Departments ensure that action for premature retirement is taken in an appropriate manner.

13. Para. II (3) (*d*) of the OM, dated the 5th January, 1978, lays down that no employee should ordinarily be retired on ground of ineffectiveness, if he could be retiring on superannuation within a period of one year. It is clarified that this instruction is relevant only when an employee is proposed to be retired on the ground of ineffectiveness, but not on the ground of doubtful integrity. The damage to public interest could be marginal if an old employee, in the last year of his service, is found ineffective; but the damage may be incalculable if he is found corrupt and demands or obtains illegal gratification during the said period for the tasks he is duty bound to perform.

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14. Para. II (5) (*a*) of the OM, dated the 5th January, 1978, also lays down that premature retirement should not be used to retire a Government servant on grounds of specific acts of misconduct, as a short cut to initiating formal disciplinary proceeding. It is clarified that the intention is not that when an officer has reached the stage in service when review under FR 56 (*j*) can be initiated and, at that time, a specific act of misconduct also comes to notice, action under FR 56 (*j*) cannot be taken. It is well settled that premature retirement under FR 56 (*j*) is not a punishment, that there is no stigma and that no civil consequences follow. These conclusions will apply to an individual case only when an order under FR 56 (*j*) is not a cover for what is, in fact, a punishment sought to be imposed. Hence illustratively where on an alleged misconduct, a departmental inquiry has been conducted and the stage has also been reached as to the decision by the competent authority of the punishment to be imposed, it would not be appropriate to issue, instead, an order of premature retirement under FR 56 (*j*). But where no departmental inquiry has been initiated and the specific allegation of misconduct involving lack of integrity is only one fact on the service record of the officer, which has to be considered *in toto,* an order under FR 56 (*j*) can quite appropriately be passed if the same is otherwise justified. Each case has to be considered and decided on its own merits. Rule 16 (3) of the All India Services (Death-cum-Retirement Benefits) Rules, 1950, corresponds to FR 56 (*j*) and in the case of State of Uttar Pradesh *v.* Chandra Mohan Nigam and others 1978 (1) SLR 12, it was observed—

> "We should hasten to add that when integrity of an officer is in question, that will be an exceptional circumstance for which orders may be passed in respect of such a person under Rule 16 (3), at any time, if other conditions of that rule are fulfilled, apart from the choice of disciplinary action which will also be open to Government."

15. It is hoped that with these supplementary instructions Ministries/ Departments will now take effective action under FR 56 (*j*) against officers whose integrity is doubtful.

[G.I., Dept. of Per. & Trg., O.M. No. 25013/30/85-Estt. (A), dated the 7th August, 1985.]

(3)

Guidelines relating to action where Government servant is found ineffective

Department of Personnel and A.R., O.M. No. 25013/14/77-Estt. (A), dated the 5th January, 1978 [*Order* (1) *above*], had spelt out the scope and amplitude of the provisions of FR 56 (*j*) and laid down the criteria, procedure and guidelines for reviewing the cases of Government servants for their retention in service or premature retirement with a view to strengthening the administration. This Department's O.M. No. 25013/30/85-Estt. (A), dated the 7th August, 1985 [*Order* (2) *above*], has been issued elaborating/clarifying further the scope of the provisions of FR 56 (*j*), in so far as these apply to retirement of Government servants

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on grounds of doubtful integrity. The following guidelines are now being issued, to supplement those conveyed under the Office Memoranda referred to above, to assist Ministries/Departments in taking action for premature retirement of Government servants who have outlived their utility and have become ineffective.

Let us defeat the 'Peter Principle'

2. The aphorism that in a hierarchy every employee tends to rise to his level of incompetence, which has come to be known as 'Peter Principle' was laid down in the book by that name, written by L.J. Peter and R. Hull in 1969. The application of Peter Principle need not be inevitable, if only care is exercised to scrutinise diligently the performance of every officer who has reached his present level having secured a series of promotions. It is of course true that promotion beyond a certain level, in each Service, is on the basis of selection by merit, as distinct from promotion by seniority subject to fitness. All the same, it has to be remembered that promotion is given on the assessment of performance in the lower post; and it need not follow that performance continues to be at least as good, in the post to which promotion has been given. The provisions of FR 56 (*j*) do enable the competent authority to retire compulsorily an officer who is found ineffective at the level he has reached in a service. Our endeavour should, therefore, be to make use of the provisions of FR 56 (*j*) thereby virtually ending the application of Peter Principle to the organisations under Government.

Provisions of FR 56 (*j*) are in the public interest

3. There need be no hesitation to take action under FR 56 (*j*) where such action is eminently justified. The Supreme Court has observed that the provisions contribute towards maintenance of the highest efficiency in administration, obviously desirable in the public interest. While interpreting the scope of the provisions of Rule 16 (3) of the All India Services (Death-cum-Retirement Benefits) Rules, 1958, which is analogous to FR 56 (*j*), the Supreme Court observed in the case Union of India *v.* M.E. Reddy and another (AIR 1980 SC 563).

(*i*) The object of the Rule is to weed out the dead wood in order to maintain a high standard of efficiency and initiative in the State Services. It is not necessary that a good officer may continue to be efficient for all time to come. It may be that there may be some officers who may possess a better administrative and higher standard of efficiency and if given chance the work of the Government might show marked improvement. In such a case compulsory retirement of an officer who fulfils the conditions of Rule 16 (3) is undoubtedly in public interest and is not passed by way of punishment.

(*ii*) Compulsory retirement contemplated by the aforesaid rule is designed to infuse the administration with initiative..... so as to meet the expanding needs of the nation which require

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exploration of 'fields and pastures anew'. Such a retirement involves no strain or stigma nor does it entail any penalty or civil consequences. In fact, the rule merely seeks to strike a just balance between the termination of the completed career of a retired employee and maintenance of top efficiency in the diverse activities of administration.

4. In the case Union of India *v.* Cop. J.N. Sinha and another [1971 (1) SCR 791] the Supreme Court observed—

"In some cases, the Government may feel that a particular post may be more usefully held in public interest by an officer more competent than the one who is holding. It may be that the officer who is holding the post is not inefficient but the appropriate authority may prefer to have a more efficient officer. It may further be that in certain key posts public interest may require that a person of undoubted ability and integrity should be there. There is no denying the fact that in all organisations and more so in Government organisations, there is good deal of dead wood."

5. It will thus be seen that the judicial pronouncements are clearly to the effect that premature retirement is not a punishment, does not involve a stain or stigma and that it is in the public interest. The higher the level reached by a Government servant, the higher will be the responsibilities entrusted to him and hence higher will be the expectations of Government that these responsibilities are discharged with exemplary competence, efficiency and effectiveness. It is with a view to assess whether such expectation is being fulfilled that a procedure for reviewing the performance of Government servants, who have attained the age of 50/55 years or have rendered 30 years qualifying service, has been laid down in the Office Memorandum, dated the 5th January, 1978 and for the compulsory retirement of those Government servants who do not fulfil this expectation. It is not sufficient if a Government servant having reached the present level, functions only as passenger, with performance that is just satisfactory. However, it is not possible to lay down any elaborate guidelines regarding the manner in which the performance of a Government servant is to be assessed, since the requirements of a particular position occupied by a Government servant will only be known better to the Department concerned and these requirements will vary from one position to another.

Perusal of entire service record

6. Para. II (3) (*c*) of the Office Memorandum, dated the 5th January, 1978 [*Order* (1) *above*], lays down that the entire service record of an officer should be considered at the time of review. In this Department's Office Memorandum, dated the 7th August, 1985 [*Order* (2) *above*], it has been explained that the term "Service Record" is all embracing and a review should not be confined to the consideration of only the annual confidential remarks recorded on the officer. It was pointed out in the

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said Office Memorandum that the matters found in the personal file of the officer should also be placed before the Review Committee and not only the CR dossier of the officer. The other guidelines laid down in the said Office Memorandum would also be relevant while reviewing the case of an officer on grounds of ineffectiveness or inefficiency. In particular, the guidelines laid down in paragraphs 4 and 6 of the said Office Memorandum would be attracted in the case of such a review. It is, therefore, reiterated that the guidelines contained in the Office Memorandum, dated the 7th August, 1985, would apply to a case where it is proposed to prematurely retire an officer on grounds of incompetence, inefficiency or ineffectiveness.

Consideration of record prior to promotion or crossing of efficiency bar

7. It has been laid down in para. II (3) (*c*) of the Office Memorandum, dated the 5th January, 1978, that while the entire service record of the officer should be considered at the time of review, no employee should ordinarily be retired on grounds of ineffectiveness if his service during the preceding five years or where he has been promoted to a higher post during that five-year period, his service in the higher post has been found satisfactory. However, there may be cases where it becomes necessary to review the record of an officer after he has been allowed to cross the efficiency bar or after he was promoted to a selection or non-selection post. What are the circumstances in which the entire service record of such an officer could be considered? This question has been the subject of consideration by the Supreme Court in D. Ramawamy *v.* State of Tamil Nadu, AIR 1982 SC 793. The Supreme Court observed "After his promotion as Deputy Commissioner there was no entry in the service book to his discredit or hinting even remotely that he had outlived his utility to the Government. If there was some entry not wholly favourable to the appellant after his promotion one might hark back to similar or like entries in the past, read them in conjunction and conclude that the time had arrived for the Government servant to be retired prematurely from Government service.....

.....The learned Counsel for the State of Tamil Nadu argued that the Government was entitled to take into consideration the entire history of the appellant including that part of it prior to his promotion. We do not say that the previous history of a Government servant should be completely ignored once he is promoted. Sometimes past events may help to assess present conduct. But when there is nothing in the present conduct casting any doubt on the wisdom of the promotion, we see no justification for needless digging into the past....."

These observations were approved by the Supreme Court in J.D. Shrivastava *v.* State of Madhya Pradesh, AIR 1984 SC 630. In the light of these observations, the position that emerges is that the period immediately preceding the review (which may be taken as five years) or the period after promotion or crossing of efficiency bar would be of utmost importance. However, if during the aforesaid period of review, there is evidence of

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deterioration in efficiency or unsatisfactory performance then it would be in order for the Review Committee to examine the entire service record to arrive at a total picture about the suitability or otherwise of the officer for further retention in service.

Premature retirement when less than one year's service remains

8. In para. II (3) (*d*) of the Office Memorandum, dated 5-1-1978 [*Order* (1) *above*], it has been laid down that ordinarily no employee should be retired on grounds of ineffectiveness if he is retiring on superannuation within a period of one year from the date of consideration of the case. This instruction was issued on compassionate grounds, keeping in mind the impending superannuation. While this instruction will continue to be applicable, it is clarified that in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of an officer, it would be open to review his case for premature retirement in accordance with the Office Memorandum, dated 5-1-1978 and this Office Memorandum.

Annual Confidential Remarks

9. It has been mentioned in para. 9 of the Office Memorandum, dated the 7th August, 1985 [*Order* (2) *above*], that in a particular case, while an odd adverse remark that may not have been communicated to the officer concerned, could be taken into account as part of the total service record considered by the Review Committee, it would not, as a matter of course, be appropriate to take into account adverse remarks which have not been communicated to the officer. In any case, reliance should not be placed only on the CR dossier, but the entire service record including personal or other files relating to the officer should be taken into account, when premature retirement is under consideration, as has been advised in para. 11 of the Office Memorandum, dated the 7th August, 1985 and has also been reiterated earlier in this Office Memorandum.

10. It is hoped that with these supplementary instructions, Ministries/Departments will now take effective action under FR 56 (*j*) against officers who are found to be incompetent, inefficient or ineffective.

[G.I., Dept. of Per. & Trg., O.M. No. 25013/38/85-Est. (A), dated the 7th March, 1986.]

GOVERNMENT OF INDIA'S DECISIONS

(1) Verification of service prior to permitting/requiring a Government servant to retire.—Cases have come to the notice of the Government of India in which certain Government servants were permitted/required by the administrative authorities to retire from Government service on the assumption that they had completed 30 years' qualifying service. The assumption eventually proved wrong on actual verification and the qualifying service was found to be less than the period assumed. Such retirements are irregular in terms of these rules apart from the difficulties

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they give rise to. With a view to obviating such difficulties in the future, orders permitting/requiring a Government servant to retire after completing thirty years' qualifying service should as a rule not be issued until after the fact that the officer has indeed completed qualifying service for thirty years has been verified in consultation with the Accounts Officer.

[G.I., M.F., O.M. No. F. 12 (8)-E. V (A)/60, dated the 6th July, 1960.]

(2) Withdrawal of notice of retirement not ordinarily permissible.—A question has been raised whether a Government servant who has given to the appropriate authority, notice of retirement has any right subsequently (but during the currency of the notice) to withdraw the same and return to duty. The question has been considered carefully and the conclusion reached is that the Government servant has no such rights. There would, however, be no objection to permission being given to such a Government servant, on consideration of the circumstances of his case, to withdraw the notice given by him, but ordinarily such permission should not be granted unless he is in a position to show that there has been a material change in the circumstances in consideration of which the notice was originally given.

Where the notice of retirement has been served by Government on the Government servant, it may be withdrawn, if so desired for adequate reasons, provided the Government servant concerned is agreeable.

[G.I., M.F., O.M. No. 24 (57)-E. V/52, dated the 24th December, 1952.]

(3) Appointing Authority may accept a notice of less than three months.—*See* Rule 56 of Fundamental Rules, Rules 48 and 48-A of CCS (Pension) Rules, 1972.

(4) No show-cause notice necessary before a notice of retirement is issued; but reasons should be kept recorded in file.—It will be seen from the judgment of the Supreme Court in the case of Union of India *v.* Col. J.N. Sinha, Ex-Director (Selection Grade), Survey of India and another (*not printed*) that the Supreme Court had not only upheld the validity of FR 56 (*j*) but have also held that no show-cause notice need be issued to any Government servant before a notice of retirement is issued to him under the aforesaid provisions.

In the judgment, the Supreme Court have also spelt out the circumstances where an aggrieved Government servant could challenge the notice of retirement issued under FR 56 (*j*) in the following words:—

> "Now coming to the express words of Fundamental Rule 56 (*j*), it says that the appropriate authority has the absolute right to retire a Government servant if it is of the opinion that it is in the public interest to do so. The right conferred on the appropriate authority is an absolute one. That power can be exercised subject to the conditions mentioned in the rule, one of which is that the concerned authority must be of the opinion that it is in public interest to do so. If that authority bona fide forms that opinion, the correctness of that

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opinion cannot be challenged before Courts. It is open to an aggrieved party to contend that the requisite opinion has not been formed or the decision is based on collateral grounds or that it is an arbitrary decision."

It will be seen from the above observation of the Court that the appropriate authority defined in Note 1 below FR 56 should bona fide form an opinion that it is in the public interest to retire the officer in exercise of the powers conferred by that provision and this decision should not be an arbitrary decision or should not be based on collateral grounds. Accordingly, in every case where it is proposed to retire a Government servant in exercise of the powers conferred by the said rule, the appropriate authority should record in the file its opinion that it is necessary to retire the Government servant in pursuance of the aforesaid rule in the public interest. The order to be served on the Government servant would of course be on the form prescribed for the purpose.

[G.I., Cabinet Secretariat (Dept. of Per.), O.M. No. 33/11/69-Ests. (A), dated the 23rd October, 1970.]

(5) Clarification on orders of premature retirement.—(*a*) *Date of retirement*: The orders regarding retirement on the last day of the month will not apply to the cases of premature retirement.

(*b*) *Grant of leave due/admissible*: Leave due and admissible may be allowed if applied for by the Government servant during the period of notice.

(*c*) *Undrawn increment*: As the Government servant continues to be in service during the period of notice, he will be entitled to increment falling due during the period, under FR 26. If, on the other hand, the official is retired by giving pay and allowances in lieu of the notice period, no increment will be admissible as the retirement in such cases takes immediate effect.

[D.G., P. & T., Letter No. 135/53/75-SPB-II, dated the 16th October, 1975.]

(6) Pension is admissible in addition to pay and allowances (inclusive of HRA and CCA) for the entire period in lieu of notice.—(*i*) As the Government servant concerned will retire immediately on payment of pay and allowances in lieu of notice, he would be entitled to pension from the date of such retirement and the pension shall not be deferred till after the expiry of the period of three months for which he is paid pay and allowances. In other words, pay and allowances given in lieu of the notice period would be in addition to pension for the said period.

(*ii*) The Government servants who are given pay and allowances in lieu of the notice period are entitled to House Rent Allowance and City Compensatory Allowance at the rates at which they were drawing the allowances immediately before retirement.

(*iii*) The payment of pay and allowances in lieu of the notice period should be made simultaneously with the order of retirement.

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(*iv*) The pay and allowances to be given in lieu of notice period would be the pay and allowances drawn by him immediately before retirement. Since he would stand retired immediately on payment of pay and allowances, the question of taking into consideration the date of increment does not arise.

(*v*) The three months' pay and allowances given in lieu of notice are salary and therefore, income tax is required to be deducted at source.

(*vi*) The Government servant would stand retired immediately on payment of three months' pay and allowances in lieu of the notice period and will not be in service thereafter. Therefore, the question of counting any period subsequent to the date of such retirement for purposes of pension, etc., does not arise.

[G.I., M.F., O.M. No. 7 (2)-E. V (A)/75, dated the 18th March, 1976 and the 17th August, 1978 and C. & A.G's Letter No. 523/Audit/37-75, dated the 12th May, 1976.]

(7) **Procedure for payment of notice period pay and allowances on retirement.**—Payments in lieu of three months' notice will arise in cases where retirement of an officer by giving three months' notice may not be desirable in public interest. The following procedure has been prescribed in relaxation of the provisions of Central Treasury Rules:—

(*i*) The drawing and disbursing officer in a department may be authorised by the competent authority to draw a special advance from the treasury whenever claims of the type are to be met. It will not be necessary to mention therein the name(s) of the Government servant(s) to be so retired. The amount of advance to be sanctioned by the competent authority shall be restricted to the net amount to be paid to the Government servant(s).

(*ii*) The amount to be paid to a Government servant to be so retired should be computed on the basis of—

(*a*) pay and allowances which he is receiving at the time of retirement, *less*

(*b*) statutory deductions like income tax.

All other dues outstanding against the Government servant such as house building advance, conveyance advance, house rent, travelling allowance, CGHS contribution, etc., may be left to be recovered from the gratuity payable under the CCS (Pension) Rules, 1972. It is also not necessary to make any deductions relating to additional Dearness Allowance Deposit from the payment to be made.

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(*iii*) The special advance may be drawn by the drawing and disbursing officer on a bill in the form of a simple receipt, similar to Form TR 42. A signed copy of the sanction should be enclosed with the bill to be submitted to the treasury.

(*iv*) The special advance may be adjusted under Major Head, "8550-Civil Advances—103-Other Departmental Advances—Special Advances". An adjustment bill will thereafter be sent to the Accountant-General along with acquittance of the Government servant(s) concerned together with the charge report(s), if any, for the adjustment of the advance to the final head of account.

[G.I., M.F., O.M. No. F. 1 (39)-B/75, dated the 29th August, 1975.]

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APPENDIX 11

PAYMENT OF ARREARS OF PENSION (NOMINATION) RULES, 1983

Government of India, Deptt. of Personnel & A.R., Notification No. 26 (3)-Pension Unit/82, dated the 26th August, 1983

(Published in the Gazette of India, dated the 10th September, 1983, as S.O. No. 3478.)

In exercise of the powers conferred by Section 15 of the Pensions Act, 1871 (23 of 1871), the Central Government hereby makes the following rules, namely :—

Short title and commencement

1. (1) These rules may be called the Payment of Arrears of Pension (Nomination) Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette.

Application

2. These rules shall apply to the Central Government Pensioners who are in receipt of any pension under the rules which govern such pensioners and which is payable by the Government out of the Consolidated Fund of India.

Definitions

3. In these rules, unless there is anything repugnant in the subject or context—

(*a*) "*Act*" means the Pensions Act, 1871 (23 of 1871);

(*b*) "*Form*" means a Form appended to the rules;

(*c*) "*Nomination*" means nomination made under these rules;

(*d*) "*Pension disbursing authority*" means the authority through whom pension is drawn and includes—

(*i*) branch of a nominated public sector bank; or

(*ii*) treasury including sub-treasury; or

(*iii*) Accounts Officer.

Nominee of pensioner to receive arrears of pension

4. Any pensioner to whom any pension is payable by the Government out of the Consolidated Fund of India may nominate any other person (hereinafter referred to as the nominee) in accordance with provisions of Rule 5 who shall receive, after the death of the pensioner all moneys

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payable to the pensioner on account of such pension on, before or after the date of such nomination and which remain unpaid immediately before the death of pensioner.

Nominations

5. (1) Every pensioner who has retired on or before the date of commencement of these rules shall nominate any person for the purpose of Rule 4 in Form "A" and submit it, in triplicate, by personal service after taking receipt or by sending through registered post acknowledgement due to the respective Pension Disbursing Authority through whom pension is drawn.

(2) Within thirty days of the receipt of nomination in Form "A" as referred to in sub-rule (1), the Pension Disbursing Authority shall get the particulars of the pensioner, as mentioned in Form "A" verified with reference to the available records and return to the pensioner, after obtaining a receipt thereof, the duplicate copy of the nomination in Form "A" duly attested by him or an officer authorised by him in this behalf. The triplicate copy shall be sent to the Accounts Officer of the Department from where the pensioner had retired while the original copy of the nomination shall be recorded.

(3) Every employee who is due to retire after the date of commencement of these rules shall, submit the nomination, in triplicate, in Form "A" to the Head of Office or the Department from where he is retiring within three months before or after the date of retirement.

(4) Within thirty days of the receipt of the nomination in Form "A" under sub-rule (3), the Head of Office shall get the particulars of the pensioner, as mentioned in Form "A" verified with reference to the records of the establishment and return to the pensioner, after obtaining the receipt thereof, a duplicate copy of the nomination in Form "A", duly attested by him or by an officer authorised by him in this behalf. The triplicate copy duly accepted shall be sent to the Accounts Officer, who shall pass it on to the Pension Disbursing Authority along with the Pension Payment Order. If the Pension Payment Order has already been issued in a particular case, the nomination shall be sent separately quoting PPO number and other particulars of the pensioner to enable the Pension Disbursing Authority to link up with the PPO.

(5) A notice of modification of nomination including cases where a nominee pre-deceases the pensioner shall be submitted in triplicate in Form "B" to the Pension Disbursing Authority in the manner specified in sub-rule (1) and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* with modifications as if it was made under sub-rule (1).

(6) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the pensioner or, if he is illiterate, shall bear his thump-impression given in the presence of two witnesses who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be.

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(7) Nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the Pension Disbursing Authority or the Head of Office, as the case may be.

Accepted nomination to be conclusive proof

6. A nomination made under Rule 5 and accepted by the Pension Disbursing Authority or the Head of Office, shall be a conclusive proof with regard to the person nominated to receive arrears of pension of the pensioner under these rules.

Mode of payment of arrears

7. The arrears of pension payable under these rules shall be paid in accordance with the provisions of the existing rules governing the mode of payment of pension.

Interpretation

8. Where any doubt arises as to the interpretation of these rules, the matter shall be referred to the Government of India in the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) for decision.

GOVERNMENT OF INDIA'S DECISION

Pensioners drawing pension through Public Sector Banks may avail nomination facilities available in the Bank.—1. Under the Scheme for payment of pension to Central Government pensioners through Public Sector Banks, the amount of monthly pension (including relief on pension sanctioned by the Government from time to time) is credited by the paying branch of a bank selected by the pensioner to the individual savings/current account of the pensioner. If the pensioner has already an account, savings or current, in his/her individual name with that branch of the bank, the pensioner is not required to open a separate account for this purpose. The only restriction under the scheme is that the account must be in the individual name of the pensioner and "joint" or an "either or survivor" is not allowed. When the account is in the individual name of the pensioner, the balance outstanding in the account cannot be transferred to anybody's account after demise of the pensioner. It will be paid to the legal heir of the pensioner as per the banking rules and practice.

2. However with effect from 29th March, 1985, the Reserve Bank of India have issued instructions allowing nomination facility to all depositors in respect of the deposits held by them in their individual capacity in the respective branches of the various Public Sector Banks to avoid any hardship to the nominee survivor in getting payment of the balance outstanding in the account of the deceased account holder. This may be brought to the notice of all pensioners so that they can avail of the nomination facility to avoid any hardship being faced by the nominee survivor of the deceased in getting the payment of balance amount in the account of the deceased pensioner.

[G.I., Dept. of P. & P.W., O.M. No. 38/32/85-P. & P.W., dated the 7th January, 1986.]

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FORM A

[*See* Rule 5]

Pension Disbursing Authority/Head of Office
(Name of Bank/Treasury/Post Office/Accounts Officer, etc.)

Place.....

I,.....*(Name of the Pensioner in capital letters)* hereby nominate the person named below under Rule 5 of the Payment of Arrears of Pension (Nomination) Rules, 1983.

Name and address of the nominee	Relationship with the pensioner	If nominee is minor		Name and address of other nominee in case the nominee under column (1) predeceases the pensioner	Relationship with pensioner	Date of birth if the other nominee is minor	Name and address of person who may receive the pension during the other nominee's minority	Contingency on happening of which nomination shall become invalid
		Date of birth	Name and address of person who may receive the said pension during the nominee's minority					
1	2	3	4	5	6	7	8	9

Place:.....

Date :.....

Witness: Signature:

Name & address:

Signature (or thumb-impression if illiterate) and name of pensioner.

Address:

Signature of Pension Disbursing Authority/Head of Office.

Acknowledgement to be sent by the Pension Disbursing Authority/Head of Office.

Certified that application/nomination has been received from.....(name of pensioner) whose address is .....

Place:

Date:

Signature of Pension Disbursing Authority Bank/Treasury/Post Office/Accounts Officer/ Head of Office.

Full Address:

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FORM B

[*See* Rule 5 (5)]

The Pension Disbursing Authority
Name of the Bank/Treasury/Post Office/Accounts Officer, etc.

Place.....

I,.....(*Name of Pensioner in Capital letters*) hereby make the following alternative nomination in cancellation of the previous nomination made on .....under Rule 5 of the Payment of Arrears of Pension (Nomination) Rules, 1983.

Name and address of the nominee	Relationship with the pensioner	If nominee is minor		Name and address of other nominee in case the nominee under column (1) predeceases the pensioner	Relationship with pensioner	Date of birth if the other nominee is minor	Name and address of person who may receive the pension during the other nominee's minority	Contingency on happening of which nomination shall become invalid
		Date of birth	Name and address of person who may receive the said pension during the nominee's minority					
1	2	3	4	5	6	7	8	9

Place:.....

Date :.....

Witness: Signature:

Name and Address:

Signature (or thumb-impression if illiterate) and name of pensioner.

Address:

Signature of Pension Disbursing Authority.

Date Stamp.

Certified that application/nomination (Form B) has been received from.....(*name of pensioner*) whose address is .....

Form A has been cancelled and returned to him.

Place:.....

Date:.....

Signature of Pension Disbursing Authority
P.O/Bank/Treasury with full address.....

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APPENDIX 12

GRANT OF PRO RATA RETIREMENT BENEFITS TO GOVERNMENT SERVANTS PERMANENTLY TRANSFERRED TO PUBLIC SECTOR UNDERTAKINGS, AUTONOMOUS BODIES, ETC.

SECTION I

(1)

Permanent Transfer of Central Government Servants to the Central Public Sector Undertakings

[Government of India, Department of Personnel and Training, O.M. No. 28016/5/85-Estt. (C), dated the 31st January, 1986.]

The modalities of appointment of Government servants in the Central Public enterprises after the issue of the instructions contained in O.M. No. 5 (25) 83-BPE (PESE), dated the 6th March, 1985 (See *Annexure I at the end of this order*), as also the question of granting terminal benefits to the Government servants going over to the enterprises on immediate absorption basis has been under consideration of the Central Government and it has been decided that the appointment of Government servants in the Central public enterprises will be on the following terms and conditions:—

Release of the Government servants for appointment in the enterprises

*[(1) (*i*) A Government servant who has been selected for a post in a Central public enterprise will be required to give his/her technical resignation before his relief from Government. The Government servant may thereafter be relieved by the respective Ministry/Department/Office to take up appointment in the PSU/autonomous body. The relieving order should indicate the period within which the officer should join the PSU. Normally this period should not be more than 15 days. This period may be extended by the competent authority for reasons beyond the control of the official.

(*ii*) The period between the date of relief and the date of joining PSU/autonomous body can be regulated by grant of leave due and admissible and if no leave is due, by grant of extraordinary leave. The case of grant of retirement benefits/leave should be processed only after ascertaining from the PSU/autonomous body as to whether the officer had actually

*Modified, *vide* G.I., Dept. of Pen. & Pen. Welfare, O.M. No. 4/15/88-P. & P.W. (D), dated the 13th November, 1991.

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joined them. Thereafter, the necessary notification/orders accepting the resignation of the officer from Government service from the actual date of his/her joining the PSU/autonomous body should be issued. Specimen of the relieving order to be made use of is furnished in the Annexure II, at the end of this order.]

Retention of lien/quasi-permanent status

(2) No lien/quasi-permanent status of the Government servant concerned will be retained in his parent cadre. All his connections with the Government will be severed on his release for appointment in an enterprise and he will not be allowed to revert to his parent cadre.

Pay fixation

(3) A Government servant selected for a post in a Central public enterprise will be free to negotiate his emoluments with the enterprise. On appointment to a post in a public sector enterprise on immediate absorption basis, a Government servant will be at par with other employees of the enterprise and will be governed by the rules of the enterprise in all respects.

Pensionary benefits

(4) (*i*) Resignation from Government service with a view to secure employment in a Central public enterprise with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits. In such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organisation.

(*ii*) The officer eligible for pension should exercise an option within six months of the date of his resignation for either of the following two alternatives:—

(*a*) Pro rata monthly pension and retirement gratuity as admissible under the relevant rules.

(*b*) Pro rata gratuity and a lump sum amount in lieu of pension worked out with reference to the commutation tables applicable on the date of resignation.

NOTE.—Where no option is exercised within the prescribed time-limit, the officer will be governed by alternative (*a*) above. Option once exercised shall be treated as final.

(*iii*) Any further liberalisation of pension rules decided upon by Government after the date of resignation of a Central Government servant to join the public enterprise will not be extended to him.

(*iv*) A Government servant who opts for pro rata monthly pension on his resignation from Government service will not be entitled to relief on pension during his service in the public enterprise.

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Leave

(5) A Government servant taking up an appointment in a Central public enterprise will be entitled to encashment of earned leave to his credit at the time of acceptance of his resignation from Government service, subject to a limit of 180* days. Half-pay leave will stand forfeited.

Family Pension

(6) If there is no family pension scheme in a public enterprise, or if the officer does not become eligible to join family pension scheme in the enterprise, the family pension as admissible under the Central Government will be allowed to him. (See *also Section* IX *in this Appendix.*)

2. For the purpose of these instructions immediate absorption means acceptance of resignation of an officer from Government service to enable him to take up an appointment in a Central public enterprise, for which he had applied with proper permission.

3. Since the terminal benefits mentioned above are admissible only to those officers who leave Government service to secure employment in the enterprise, with proper permission, a case of grant of these benefits may be processed only after ascertaining from the enterprise concerned that the officer has actually joined them.

4. The stipulation of 'immediate absorption' will apply to all appointments of Central Government servants in the Central public enterprises, irrespective of the level of appointment, the mode of recruitment, and whether an appointment is in public interest or otherwise, but subject to the exceptions made in the OM, dated 6-3-1985, referred to above (vide *Annexure* I *at the end*).

5. For the purpose of these orders, a Central public enterprise is an undertaking wholly or substantially owned by the Government of India, and which is accepted as such by the Bureau of Public Enterprises.

6. The terminal benefits, etc., enumerated in para. 1 above will be admissible to all Central Government servants, who secure appointments in Central public enterprises with proper permission. A Government servant selected for appointment in an enterprise on the basis of an application submitted by him before joining the Government service will be deemed to have applied with proper permission for the purpose of these orders.

7. All existing instructions on the subject will stand amended/superseded to the extent indicated in the preceding paragraphs.

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*Since revised to 240 days vide Order (1) in Section II.

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8. All cases of grant of pensionary benefits, etc., to Government servants, who are appointed in the Central public sector enterprises on immediate absorption basis, shall be decided by the Administrative Ministries/Cadre Controlling Authorities/Authorities competent to accept resignation of a Government servant in accordance with provisions of this OM. All other cases not covered under the provisions of this OM or which require relaxation of any provision should continue to be referred to the Bureau of Public Enterprises with necessary service particulars. Cases of doubtful nature also should continue to be referred to the Bureau of Public Enterprises.

9. The Ministry of Home Affairs, etc., may please bring these orders to the notice of all concerned including the public enterprises under their administrative control.

10. So far as the officers serving in the Indian Audit and Accounts Department are concerned, these orders are being issued after consulting the Comptroller and Auditor-General of India.

11. These orders take effect from 6-3-1985.

12. This issues with the concurrence of the Ministry of Finance (Department of Expenditure) and the Department of Public Enterprises.

Formats to be used for sanction of pro rata retirement benefits on absorption in Central Public Sector Undertakings—See *Section X in this Appendix.*

ANNEXURE I

The Government have reviewed the policy regarding deputation of Government officers to Central public enterprises in the context of the need for toning up the performance of public enterprises.

2. In supersession of all extant orders on the subject, it has been decided that deputation of all Government officers including those belonging to Defence Services, to all posts (whether Board-level or below Board-level) in Central public enterprises should, except in the cases mentioned in the following paragraph, not be permitted from the date of issue of this OM, i.e., 6th March, 1985. Hereafter, such officers could join posts in the Central public enterprises only on immediate absorption basis.

3. (*i*) However, deputation may be permitted for a maximum period of five years in the case of Chief Executives and regional/zonal chiefs of Central public enterprises who require continuous liaison and co-ordination with State Governments and where expertise acquired in the State Government is needed for organisational efficiency. Following are the examples of enterprises coming under this category:—

(*a*) Central Cottage Industries Corporation

(*b*) Central Inland Water Transport Corporation

(*c*) Central Warehousing Corporation

(*d*) Cotton Corporation of India

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(*e*) Food Corporation of India

(*f*) Handicrafts and Handlooms Export Corporation Ltd.

(*g*) National Handloom Development Corporation

(*h*) National Seeds Corporation

(*i*) Rural Electrification Corporation

(*j*) Rehabilitation Industries Corporation

(*k*) State Farms Corporation

(*l*) Trade Fair Authority of India.

(*ii*) Deputation may also be permitted in the case of Chief Vigilance Officers in all Central public enterprises, the tenure of officers of Organised Services appointed to posts of Chief Vigilance Officers in public sector undertaking should be the same as the tenure that would be permissible in their cases on their deputation to the Centre.

4. The policy that Government employees joining public sector undertakings can do so only on "immediate absorption" basis will also apply to employees of one public sector undertaking joining other public sector undertakings, regardless of the level of the posts involved.

5. In respect of officers who are already on deputation to Central public enterprises, the existing terms and conditions of their deputation will operate. However, no extension of deputation beyond the periods specified in their deputation orders should be allowed.

6. The Administrative Ministries and the various cadre authorities are requested to take necessary steps to implement these decisions.

[G.I., M.F., O.M. No. 5 (25)/83-BPE (PESE), dated the 6th March, 1985.]

NOTE 1.—Even though the list of undertakings as mentioned above is only illustrative, it is not open to the undertakings or the concerned Administrative Ministries themselves to presume exemption from the ban imposed on deputation. They will have to move the Government for extension of exemption to a particular undertaking or to a post or class of posts in an undertaking giving full justification therefor. Until exempted, the ban on deputation will apply to the undertaking.

The policy on immediate absorption as contained above applies equally to the employees of the State Governments joining Central Public Sector Undertakings. No Central public enterprise except those specifically exempted from the purview of the ban order, should appoint an employee of a State Government otherwise than on immediate absorption basis.

[G.I., Min. of Industry, S & A Cell, O.M. No. 2 (8)/85-BPE S. & A. Cell received under C. & A.G.'s Endorsement No. 945-GE I/215-85, dated the 24th February, 1986.]

NOTE 2.—Central Government employees who join Central public sector enterprises on 'immediate absorption' basis are entitled to the same pensionary benefits as are admissible to deputationist Central Government officers who opt for permanent absorption, irrespective of the fact that appointment of some of these employees in the Public Enterprises may be

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on probation for a given period. In other words, the 'immediate absorption' is to be treated as 'permanent absorption' so far as pensionary benefits to Central Government employees are concerned.

2. The stipulation of 'immediate absorption' will apply to all appointments of Central Government servants in the Central public enterprises, irrespective of the level of appointment and whether the appointment is in public interest or otherwise, provided they had applied through proper channel and that they had been released only after obtaining and accepting their resignation from the Government service. Since the admissibility of aforesaid terminal benefits is limited to those officers who leave Government service to secure employment in the enterprise, with prior permission, the case for grant of these benefits may be processed only after ascertaining from the enterprise concerned that the officer has actually joined them.

3. Cases of grant of pensionary benefits to Central Government employees who join Central public enterprises on 'immediate absorption' basis as well as those who opt, while on deputation to public sector enterprises, for permanent absorption should continue to be referred to the Bureau of Public Enterprises. [See *also para.* 8 *of Order* (1) *in this Section.*]

4. This issues with the concurrence of the Ministry of Personnel and Training (Department of Personnel) and Ministry of Finance (Department of Expenditure).

[G.I., Dept. of Public Enterprises, O.M. No. 3 (2)/85-BPE-S & A Cell, dated the 9th January, 1986.]

ANNEXURE II

[*See* Para. 1 (1) (*ii*)]

RELIEVING ORDER

Shri.....(*i*).....is hereby relieved to join.....(*ii*).....as..... (*iii*).....on permanent absorption basis. He should join.....(*ii*)..... by.....(*iv*)..... His resignation from Government service will be effective from the day he actually joins.....(*ii*).....and it will be notified on the receipt of intimation about the date of his joining.....(*ii*)..... In case for some reason he does not join.....(*ii*).....by.....(*iv*)..... he should report back to this office forthwith.

2. The period between the date of relief and the date of joining in..... (*ii*).....will be regularised by grant of any type of leave due and if no leave is at credit, by extraordinary leave.

(*i*) The name of the officer.

(*ii*) The name of the PSU/autonomous body.

(*iii*) The post against which the officer is to be appointed in the PSU/autonomous body.

(*iv*) The Ministry/Department/Office should indicate the date by which the officer should join the PSU/autonomous body. This date will be determined by giving him a maximum of 15 days' time from the date of relief. The competent authority in the Administrative Ministry/Department/Office may allow any further extension beyond this date in case of reasons beyond the control of the officer like natural calamity, civil commotion, etc.

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(2)

Absorption of deputationists from Government service to Public Enterprises—Further guidelines for strict compliance

[Government of India, Dept. of Per. & Trg., O.M. No. 41 (20)/88-EO (PS), dated the 16th August, 1988.]

As per the existing instructions on absorption of deputationists from Government services to Public Enterprises laid down in the Bureau of Public Enterprises, O.M. No. 5 (25)/83-BPE (PESB), dated the 6th March, 1985 [Annexure I to Order (1)] and 41 (13)/79-EO (PS), dated the 27th November, 1979 (*not printed*), deputation of Government Officers with public enterprises is not permissible except under certain specified exceptions and such officers can join posts in Central Public Enterprises only on "Immediate Absorption" basis. Further, the civil servants eligible to go on deputation to public enterprises are required to exercise an option within the deputation period, either for reversion to the parent cadre or for permanent absorption in the public enterprise concerned.

2. In certain exceptional cases, where the Administrative Ministry or the Department feel that an extension of deputation is absolutely essential and unavoidable, they are required to send proposals to the Establishment Officer in the Department of Personnel and Training well before the expiry of the normal period of deputation, for obtaining the prior approval of the Appointments Committee of the Cabinet. In order to avoid belated submission of proposals to the ACC, instructions have already been issued in the past. In this connection attention is invited to this Department's O.M. No. 41 (3) EO (PS)/76, dated the 16th November, 1976 and No. 41 (13) EO (PS)/79, dated the 27th November, 1979 (*not printed*).

3. Despite the instructions mentioned above, instances have come to the notice of this Department where the Government Officers have been retained beyond their deputation period with the Public Sector Undertakings without reversion to their parent offices, or absorption in the undertakings where they were working. As delayed absorption may take place in such cases, embarrassing situations have to be faced where the ACC may have to be approached for *ex post facto* approval for the excess period of deputation, even where the proposal for a further extension had not been agreed to earlier.

4. To ensure that the date of absorption which shall be a date agreed to by the officer, is not later than the date of expiry of deputation or extended deputation, following guidelines are laid down for strict compliance/observance:—

(*i*) In cases where option for absorption has been obtained from the officer, the Administrative Ministry concerned with the public sector undertaking in which the officer is on deputation should initiate action in this regard at least 6 months ahead of the completion of deputation, so

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that there is adequate time for clarification on the points that may be raised by the Government servants being absorbed and/or the Public Sector Undertaking concerned.

(*ii*) If for any reason in the process of absorption, issue of necessary orders by the Administrative Ministry concerned cannot be completed on or before the end of the deputation period originally approved or the period of extension approved by the ACC, the officer should be reverted to his parent cadre/organisation on the date of expiry of the permitted deputation.

5. Ministry of Industry, etc., are requested to keep these instructions in view while processing cases of absorption of the officers deputed to public enterprises.

SECTION II

(1)

Permanent Transfer of Central Government servants to Central Autonomous Bodies

[Government of India, Dept. of Pen. & Pen. Welfare, O.M. No. 4 (12)/85-P. & P.W., dated the 31st March, 1987.]

At present the terms and conditions of permanent absorption of Central Government employees in the Central Autonomous Bodies are regulated by the instructions contained in the Ministry of Finance (Department of Expenditure), O.M. No. 26 (18)-E. V (B)/75, dated the 8th April, 1976, as amended from time to time [*vide Order* (3) *in this Section*]. The terms and conditions of those Government servants who are absorbed in the Central Public Sector Undertakings are regulated by the instructions issued *vide* Department of Personnel and Training, O.M. No. 28016/5/85-Estt. (C), dated the 31st January, 1986 [*vide Order* (1) *in Section* I]. Since there were certain disparities in the terms and conditions of absorption in the two organisations, the question of bringing about parity has been under the consideration of Government. The President is now pleased to decide as follows:—

(*i*) The terms and conditions of absorption of Central Government employees in the Central Autonomous Bodies will be, as applicable to those permanently absorbed in the public sector undertakings. In both the cases the instructions laid down in the Department of Personnel and Training, OM No. 28016/5/85-Estt. (C), dated the 31st January, 1986, referred to above, will apply.

(*ii*) Those absorbed in the autonomous bodies having pension scheme shall have an option to receive pro rata retirement benefits or continue to have the benefit of combined service under the Government and in the autonomous body subject

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to the conditions laid down in the Department of Personnel and A.R.'s O.M. No. 28/10/84-PU, dated the 29th August, 1984 and 12th September, 1985 (vide *Section* V). Such option should be exercised within six months from the date of permanent absorption. In case no option is exercised within stipulated period, he will be eligible for pension based on combined service.

(*iii*) Encashment of earned leave shall be admissible up to the maximum limit of 240 days. Half-pay leave will stand forfeited.

(*iv*) In respect of officers who are already on deputation to autonomous bodies, the existing terms and conditions of their deputation will operate and no extension of deputation beyond the periods specified in their deputation orders should be allowed. In case a Government employee does not return to his parent Department during or after the sanctioned deputation period, he will be deemed to have been permanently absorbed in the autonomous body on the date of expiry of deputation period.

2. All existing instructions on the subject will stand amended/superseded to the extent indicated in the preceding paragraphs.

3. All cases of grant of pensionary benefits, etc., to Government servants who are appointed in the Central Autonomous Bodies on immediate absorption basis shall be decided by the Administrative Ministries/Cadre Controlling Authorities/Authorities competent to accept resignation of a Government servant in accordance with provisions of this OM. If any question arises regarding the interpretation of these instructions or requiring relaxation or if there is any doubt, the question should be referred to the Department of Pension and Pensioners' Welfare.

4. These orders will, however, not be applicable in the cases of those Government servants whose Departments have been converted into a Central Autonomous Body or a Central Public Sector Undertaking. Their cases are covered by different sets of orders on the subject (vide *Section* VIII).

5. For the purpose of these orders, a Central Autonomous Body is generally a non-profit making organisation which is financed wholly or substantially from cess or Central Government grants. "Substantially" means that more than 50% of the expenditure of the autonomous body is met through cess or Central Government grants. An autonomous body may be a society registered under the Societies Registration Act, 1860 or a statutory body or a Central university having its own governing council whose memorandum of association/by-laws, etc., contain provision for complying with Government directives for carrying out its business in achieving the objectives for which the organisation is established.

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6. The Ministry of Home Affairs, etc., may please bring these orders to the notice of all concerned, including the autonomous bodies under their administrative control.

7. These orders will take effect from the date of issue, i.e., 31-3-1987.

NOTE 1.—The provisions of the above OM, dated the 31st March, 1987, are applicable only to Central Government employees who have been absorbed in Central Autonomous Bodies on and after 31st March, 1987 and it is open for Central Autonomous Bodies to specifically adopt the provisions of the OM for application to their employees.

[G.I., Dept. of Pen. & Pen. Welfare, Letter No. 4/7/91-P. & P.W. (D), dated the 5th June, 1992, addressed to Shri P. Muthuswamy.]

NOTE 2.—The undermentioned organisations/bodies should be treated as 'Central Autonomous Bodies' for the purpose of grant of pro rata retirement benefits to the permanent Central Government employees who are absorbed therein on the terms and conditions envisaged in M.F., O.M. No. 26 (18)-E. V (B)/75, dated the 8th April, 1976 [*Order* (3) *in this Section*] as amended from time to time and Department of Pension and Pensioners' Welfare, O.M. No. 4 (12)/85-P. & P.W., dated the 31st March, 1987 [*Order* (1) *in this Section*].

(*a*) The Nationalised Banks including Reserve Bank of India and State Bank of India and its subsidiary Banks.

(*b*) The Life Insurance Corporation of India.

(*c*) The General Insurance Corporation of India and its four subsidiaries, viz., National Insurance Company Limited, the New India Assurance Company Limited, the Oriental Insurance Company Limited and the United India Insurance Company Limited.

[G.I., Dept. of P. & P.W., O.M. No. 4/8/84-P. & P.W., dated the 14th May, 1986; O.M. No. 4/14/85-P. & P.W., dated the 3rd April, 1987 and O.M. No. 4/23/87-P. & P.W., dated the 10th November, 1987.]

(2)

Guidelines for exceptions to the immediate absorption principle

[Government of India, Dept. of Pension & Pensioners' Welfare, O.M. No. 4/42/87-P. & P.W., dated the 19th April, 1988 and O.M. No. 4/42/87-P. & P.W. (D), dated the 29th January, 1991]

Attention is invited to this Department's O.M. No. 4 (12)/85-P. & P.W., dated 31-3-1987 (*Order* (1) *above*), stipulating, *inter alia*, that appointment of Government servants in the Central Autonomous Bodies shall be on immediate absorption basis only as in the case of Central Public Sector Undertakings. Many Departments and Autonomous Bodies have pointed out that in view of the fact that the requirement of the

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Autonomous Bodies for personnel in specialised fields is limited, it would not be feasible to build up a regular cadre of their own in such cases. As the career prospects available for permanent absorbees would thus be very limited, many experienced Government officers may not like to be absorbed on regular basis. The matter has been examined again and the President is pleased to decide that the instructions providing for appointment on immediate absorption basis should continue to be followed with the exceptions as indicated below—

(1) Posts in executive or senior management level (i.e., posts carrying a pay scale of not less than Rs. 3,700-5,000) in local self Government bodies and specified posts like Chairman and Vice-Chairman in public utilities such as DESU and DDA.

(2) Posts in executive or senior management level in autonomous bodies having very close inter-action with policies and programmes of the Government.

(3) Posts where the nature of the work requires employment of Government officers for security reasons or vigilance purposes.

(4) Posts in newly established/temporary organisations (up to a period of 5 years from the date of establishment).

(5) Posts limited in number particularly in specialised fields where creation of a regular cadre is not feasible.

(6) Posts requiring specialised personnel in connection with scientific research or development of technology.

2. The procedure to be followed pursuant to the above guidelines will be that each autonomous body should seek exemption from the rule of immediate absorption for all posts or specified posts or category of posts or in respect of the organisation as a whole, as the case may be, keeping in view the above guidelines, by making a self-contained reference to this Department, excepting in cases where certain organisations/posts have already been exempted with the specific approval of this Department.

3. After a post or a category of posts is so exempted, the Autonomous Body/Administrative Ministry concerned shall be competent to take decision in individual cases. A self-contained proposal should be made of the Autonomous Body to the Administrative Ministry/Department concerned. In the Administrative Ministry the proposals may be scrutinised in accordance with the guidelines laid down above. Only such proposals which have the approval of the Secretary of the Administrative Ministry concerned may be referred to the Department of Pension and Pensioners' Welfare, indicating the justification for granting such exemption. The reference from the Ministry should indicate that the proposal has received the approval of the Secretary of the Ministry.

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(3)

Transfer of Central Government servants to Central Autonomous Bodies

[*Earlier Consolidated Instructions*]

[Government of India, Ministry of Finance, Office Memorandum No. 26 (18)-E. V (B)/75, dated the 8th April, 1976, as amended from time to time]

AUTHORS' NOTE.—The portion of orders contained in these Consolidated Instructions which have been superseded by the Dept. of Pen. & Pen. Welfare, O.M. No. 4 (12)/85-P. & P.W., dated the 31st March, 1987 [*Order* (1) *in this Section*] is not printed. The remaining portion which is still current is only given.

Transfer of Provident Fund Balances:

3-A. 1. According to Explanation III below Rule 31 of the General Provident Fund Rules and corresponding Rule 33 of Contributory Provident Fund Rules (India), 1962, which provides that when a subscriber is transferred, without any break, to service under a body corporate owned or controlled by Government, the amount of subscription, together with interest thereon, shall not be paid to him but shall be transferred, with the consent of that body, to his new Provident Fund Account under that body.

It has been, however, decided that in cases where the corporate bodies do not have any Provident Fund Scheme or whose Provident Fund Rules do not provide for the acceptance of balance from other Provident Funds, the amount in question should be finally paid to the person concerned at the time of his permanent transfer to such a body.

In cases where the Provident Fund money is accepted by the corporate body subject to fulfilment of certain conditions, viz., that the Government servant should complete the probationary period with them or that he should be confirmed in a post under them, the Provident Fund money of the persons concerned may be retained with Government till such time as it is transferred to the body concerned. In such cases the Provident Fund account of the individual concerned would cease to be 'alive' on the date of permanent transfer of the person concerned to such a body. In other words, no withdrawals from the Provident Fund will be permitted for any purpose. Fresh subscription to the Fund, except recoveries in respect of outstanding advances, shall not be accepted. The Provident Fund money held by Government would continue to earn interest at the normal rate till the date of transfer of the amount to the corporate body.

Clarification.—The provisions of the above sub-rule apply to the permanent Central Government employees permanently absorbed in the

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autonomous bodies as the expression "Body Corporate owned or controlled by the Government" used includes the autonomous bodies.

[G.I., M.F., O.M. No. 26 (18)-E. V (B)/75, dated the 10th February, 1977.]

3-A. 2. In respect of the Government servants permanently absorbed in the public sector undertakings, the position is as follows:—

The amount of subscriptions, together with interest thereon standing in the Provident Fund account of a Government officer opting for service under an enterprise may, if he so desires, be transferred to his new Provident Fund account under the enterprise provided the concerned enterprise also agrees to such a transfer. If, however, the subscriber does not desire the transfer or the concerned enterprise does not operate a Provident Fund, the amount aforesaid shall be refunded to the subscriber. Similarly in case of Contributory Provident Fund, the amount of subscription and the Government contribution together with interest thereon, of a subscriber opting for service under a public enterprise may, if he so desires, be transferred to his new Provident Fund Account under the enterprise if the concerned enterprise also agrees to such transfer. If, however, the subscriber does not desire the transfer or the concerned enterprise does not operate a Provident fund, the amount aforesaid shall be refunded to the subscriber.

4. Basis of calculation of retirement benefits:

(*i*) A permanent Government servant on absorption in a public undertaking is eligible for pro rata pension and Retirement Gratuity based on the length of his qualifying service under Government till the date of absorption. The pension will be calculated on the basis of average emoluments for ten months preceding the date of absorption and the Retirement Gratuity on the basis of the emoluments immediately before absorption.

*[*Clarification*.—The expression 'Emoluments' and 'Average Emoluments' referred to will mean the 'emoluments' and 'average emoluments' as defined in Rules 33 and 34 respectively of Central Civil Services (Pension) Rules, 1972, as amended from time to time.

*[G.I., M.F., O.M. No. 26 (18)-E. V (B)/75, dated the 10th February, 1977.]

In cases where a Government servant at the time of absorption has less than ten years' service and is not entitled to pension, the question of proportionate pension will not arise; he will only be eligible to proportionate service gratuity in lieu of pension and to Retirement Gratuity based on length of service.

(*ii*) The amounts of pension/gratuity and the Retirement Gratuity would be concurrently worked out and will be intimated to the Government servant concerned as well as to the undertaking as and when an officer is absorbed.

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(*iii*) Cases of resignation from a public undertaking/autonomous body will, for the purpose of these orders, be treated as resignation from Government service, entailing forfeiture of earlier service under Government and loss of the pensionary benefits under these orders.

(*iv*) For the period of service rendered in a public undertaking/autonomous body, the absorbed officers will be entitled to all the benefits admissible to other corresponding employees of the organisation.

(*v*) The total gratuity admissible in respect of the service rendered under the Government and that under the public undertaking/autonomous body should not exceed the amount that would have been admissible had the Government servant continued in Government service and retired on the same pay which he drew on retirement from the public undertaking/autonomous body.

(*vi*) *Non-admissibility of liberalisations of Pension Rules after absorption.*

Any further liberalisation of pension rules decided upon by Government after the permanent absorption of a Government servant in a public undertaking/autonomous body would not be extended to him. However, the benefit of further liberalisation in pension shall also be allowed to a Government servant after his permanent absorption if, in any case, such liberalisation is sanctioned retrospectively with effect from a date prior to the date of such absorption.

Family Pension:

8. (*i*) The families of Government servants permanently absorbed in the autonomous bodies with effect from the 16th June, 1967, will also be eligible for family pension under Rules 54 and 55 of CCS (Pension) Rules, 1972.

(*ii*) The benefit of family pension will be admissible only to the families of those who were/are actually in receipt of pension from the Central Government after their absorption in autonomous body/public undertaking. This benefit will not be admissible to the families of those who got only the service gratuity, i.e., who were/are absorbed before rendering ten years' qualifying service under the Government. Family pensions will, however, also be admissible to the families of those Government servants absorbed in the public sector undertakings/autonomous bodies who draw the lump sum amount in lieu of monthly pension on their absorption on the date of its becoming due and thus do not draw any monthly pension on the date of death. Similarly Family Pension will also be payable to the families of those whose monthly pension or lump sum amount has not become payable and is disbursable from the earliest date of voluntary retirement but the person dies before that date without receiving these benefits.

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(*iii*) This benefit will also be admissible to the families of such Government servants as have been appointed in the autonomous bodies financed wholly or substantially by Government on the basis of their own applications and granted retirement benefits on their permanent absorption therein in respect of the past service under the Government.

(*iv*) * * * * *

(*v*) Family pension will be admissible from only one source, i.e., either from the Central Government or the public sector undertakings/ autonomous bodies in case such organisation has a similar scheme for payment of family pension.

The public sector undertakings, etc., are covered under the Employees' Family Pension and Life Insurance Scheme with effect from 1-3-1971 and in terms of this scheme all employees who become members of the Contributory Provident Fund on or after 1-3-1971 are required to be brought compulsorily thereunder. The Ministry of Labour have held the view that the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, does not exclude from its purview the Central Government employees who are absorbed in the public sector undertakings. The Employees' Family Pension Scheme, 1971, has been framed under the Act mentioned above and the employees covered by the scheme are legally entitled to the benefit of family pension along with other benefits accruing from the scheme. In view of these considerations, it has been decided that family pension scheme under the CCS (Pension) Rules, 1972, will be applicable only in those cases of absorption in public sector undertakings and autonomous bodies where no other family pension scheme is available.

*[*Clarification*.—There may be cases where a family pension scheme is in operation in a public sector undertaking/autonomous body but the 'absorbed' employee is not eligible for that scheme for one reason or the other, e.g., he may be drawing more pay than the prescribed limit for being eligible under that scheme. It is clarified that such permanent Government servants who are ineligible to join the Family Pension Scheme in operation in the public sector undertakings/autonomous bodies may be allowed the benefits of Family Pension Scheme, 1964, under the CCS (Pension) Rules, 1972.]

*[G.I., D.P. & P.W., O.M. No. 1/3/85-Pension Unit, dated the 20th September, 1985.]

[See *O.M., dated 22nd January,* 1990, *in Section* IX *of this Appendix for modified orders on the entitlement to Family Pension.*]

(*vi*) It will be the responsibility of the pension sanctioning authority to process the claim for family pension, forwarding to the audit office for issue of an authority after satisfying itself that no such claim exists in the public sector undertaking/autonomous body or that the undertaking or autonomous body has not extended its family pension scheme to the person concerned.

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(*vii*) The above orders will apply automatically to the cases in which necessary Government sanction has already been issued. Therefore, it is not necessary to issue formal amendments to the relevant sanction letters. Suitable provision will, however, be incorporated in the relevant sanctions to be issued hereafter.

*[**Procedure for payment of family pension:**

In the case of normal retirement, family pension to the spouse is authorised in the PPO for service pension itself but in the case of retirement on absorption in an autonomous body or a public sector undertaking where the person absorbed has opted to receive that lump sum amount in lieu of full pension, no PPO for service pension is required to be issued. In such cases only a report on the admissibility of family pension will be sent by the Accounts Officer to the Ministry/Department in which he was serving before absorption, the public sector undertaking/autonomous body in which absorbed and the Government servant concerned.

In the case of Government servants who have opted for Central Government Pension Scheme, the Administrative Ministry on receipt of death report from the beneficiary will send the necessary intimation to the Departmental Pay and Accounts Office and the latter will issue the PPO for family pension. In case the person concerned had opted for the family pension scheme of the organisation concerned where he was permanently absorbed, it will be the duty of that organisation concerned to initiate action for authorising family pension and the Departmental Pay and Accounts Office will not come in the picture.]

*[G.I., M.F., O.M. No. F. 26 (18)-E. V (B)/75, dated the 17th June, 1977.]

11. In accordance with Rule 37 of CCS (Pension) Rules, 1972, a Government servant who has been permitted to be absorbed in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government shall, if such absorption is declared by the Government to be in the public interest, be deemed to have retired from service from the date of such absorption. Each such Government servant is required under the relevant orders applicable to him to exercise an option within six months of his absorption for either of the alternatives indicated below—

(*a*) receiving the monthly pension and Death-cum-Retirement Gratuity under the usual Government arrangements, or

(*b*) receiving the gratuity and a lump sum amount in lieu of pension worked out with reference to the commutation tables obtaining on the date from which the commuted value becomes payable.

Where no option is exercised within the prescribed period, the Government servant is automatically governed by alternative (*b*).

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12. A person opting for alternative (*a*) is entitled to commutation of a portion of the pension admissible to him in accordance with the provisions of Civil Pension (Commutation) Rules.

13. It has been decided that where a Government servant elects alternative (*b*) referred to above, he should be granted on an application made in this behalf—

(*i*) a lump sum amount not exceeding the commuted value of one-third of his pension as may be admissible to him in accordance with the provisions of CCS (Commutation of Pension) Rules, 1981;

(*ii*) terminal benefits equal to the commuted value of the balance amount of pension left after commuting one-third of pension to be worked out with reference to the commutation tables obtaining on the date from which the commuted value becomes payable subject to the condition that the Government servant surrenders his right of drawing two-thirds of his pension.

[As modified by G.I. (M.H.A., Dept. of Per. & A.R.), O.M. No. 4 (7)-PU/81, dated the 29th September, 1981.]

NOTE.—Under Section 10 (10-A) (*i*) of Income Tax Act, 1961, both the commuted value of one-third of pension referred to in (*i*) above, and terminal benefits referred to in (*ii*) above are exempt from income tax.

[Central Board of Direct Taxes, Circular 286 F. 174/79/80-II (AI), dated the 17th November, 1980, circulated under G.I., M.H.A. (D.P. & A.R.), O.M. No. 4 (1)-PU/81, dated the 28th August, 1981.]

14. In the case of Government servants who opt for or are automatically governed by the alternative (*b*) in para. 11 above, the payment of monthly pension will commence from the due date pending their medical examination in accordance with the provisions of the Civil Pensions (Commutation) Rules. The Commutation shall become absolute and the title to receive the commuted value shall accrue on the date on which the Medical Board (Authority) signs the medical certificate. If the Medical Board (Authority) directs that the age of the employee for the purpose of commutation shall be assumed to be greater than his actual age, the person concerned will have the opportunity to change his option for receiving a lump sum in lieu of monthly pension to receiving the monthly pension by written notice despatched within two weeks from the date on which he receives intimation of the finding of the Medical Board (Authority). If the applicant does not change his option within the period of two weeks prescribed above, he shall be assumed to have accepted the findings of the Medical Board (Authority).

NOTE.—The reduction in the amount of pension on account of commutation shall be operative from the date of receipt of the commuted value of pension or at the end of three months after issue of authority by the Accounts Officer for the payment of commuted value of pension, whichever is earlier.

[Proviso (1) to Clause (1) of Rule 6, C.C.S. (Commutation of Pension) Rules, 1981.]

15. * * * * * * *

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Procedure for drawal of pro rata retirement benefits:

16. Clarifications have been sought as to the procedure which should be followed for sanctioning and authorising the payment of retirement benefits to those absorbed in public sector undertakings and autonomous bodies. Since the Government servants are deemed to have retired from Government service on the date of absorption, the procedure laid down in Chapter VIII of CCS (Pension) Rules, 1972, which applies to Government servants who retire in normal course, should *mutatis mutandis* apply in the case of Government servants who are absorbed in the public interest in a public sector undertaking or in an autonomous body. The disbursement of the retirement benefits should be authorised from the date indicated in Government's letter allowing the Government servant to be absorbed in public sector undertaking or autonomous body.

17. In respect of employee who held non-gazetted posts before absorption, Form 7 of CCS (Pension) Rules, 1972, should be filled in by the Head of Office and forwarded to the Accounts Officer for determining final amount of pension and retirement gratuity. Where the retirement benefits are payable from the date of absorption, the Head of Office should obtain the particulars required under paras. 2 to 4 of Form 5 and forward the same to the Accounts Officer along with the pension papers. The Accounts Officer after applying the necessary checks, will inform the absorbed employee, autonomous body/public sector undertaking and the Head of Office of the amount of pension and Retirement Gratuity and the date from which they are payable to him. Where the retirement benefits become payable from a date subsequent to the date of absorption, the particulars required under paras. 2 to 4 of Form 5 should be furnished to the Accounts Officer by the absorbed employee through his employer six months before the date on which the payment of the retirement benefits is to commence to enable him to issue PPO/GPO.

18. In respect of employees who held Gazetted posts before absorption, action to fill in Form 7 should be initiated by the Accounts Officer. The Accounts Officer after determining the amount of pension and Retirement Gratuity will inform the absorbed employee, autonomous body/ public sector undertaking and Head of Office/Department of the amount of retirement benefits and the date from which they are payable to him. Where the retirement benefits are payable from the date of absorption, the Accounts Officer will also obtain the particulars required under paras. 2 to 4 of Form 5 through the employer of the absorbed employee before authorising payment of retirement benefits. In other cases, the particulars required under paras. 2 to 4 of Form 5 should be furnished to the Accounts Officer by the absorbed employee through his employer six months before the date on which the payment of the retirement benefit is to commence. As soon as Government Orders regarding absorption of a Government servant are issued the Head of Office will forward Form 7 duly completed to the Accounts Officer and such other information as the Accounts Officer may require.

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19. The procedure laid down in Chapter VIII of the CCS (Pension) Rules, 1972, may be adopted keeping in view the position stated in these orders. The provisions contained in Chapter VIII for authorising payment of provisional pension for a period of six months and three-fourths of the Retirement Gratuity by the Head of Office need not be observed in the case of an employee who before his absorption had held a non-gazetted post. Payment of the retirement benefits will be received by the employee concerned from the treasury of his own choice.

Benefit of service rendered under Government in respect of Scientific employees:

20. On the basis of the recommendations of the Second Pay Commission (*i*) for counting towards pension of service rendered by Scientific employees of semi-Government Institutions, financed from cess or Government grants, on their appointment to a pensionable service under the Government of India; and (*ii*) the rate of pension contribution payable by universities when they borrow service of Government servants who are Scientists and Technologists, it was decided as follows:—

(*i*) A scientific employee of a semi-Government institution which is financed wholly or mainly from cess or Central Government grants who was on a Contributory Provident Fund basis in such an institution may, on permanent appointment without any interruption to a pensionable service or post under the Government of India count his previous service in that institution during which he subscribed to that Fund as service qualifying for pension provided that the contribution together with interest thereon paid by the institution is made over to the Government. The service during which he did not subscribe to the Contributory Provident Fund will not be so reckoned unless the previous employer agrees to bear proportionate charges on account of pensionary benefits for the service so rendered. If, however, the officer was not on a Contributory Provident Fund basis in such an institution, his previous service will be reckoned as qualifying for pension if the previous employer agrees to bear proportionate charges on account of pensionary benefits.

(*ii*) If the services of a Government servant who is a scientist or a technologist are lent to a university, the rate of pension contribution, which the university will pay, will be restricted to the rate at which it contributes to the Provident Fund of its employees.

21. With a view to increasing mobility of scientific talent all round, the benefit of the concessions contained in para. 20 should also be made available to scientific employees of Government going over to Central autonomous organisations like CSIR, etc., without break. These orders will also apply to Central universities.

22. The pensionary liability in such cases will be allocated on the basis of length of service in case the autonomous organisation where the officer takes up service has pensionary benefits for its employees. The Government

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of India would discharge their liability by payment of capitalised value of their share of pension together with the share of gratuity, if any, to the autonomous organisation on retirement of the officer from the service of such an organisation. Similar procedure should apply in the event of death of an officer while in service of the autonomous organisation. In other cases Government's liability will be discharged by way of payment of pro rata retirement benefits for the part of service rendered under the Government before absorption according to the instructions contained in the preceding paragraphs.

23. It was clarified in this Ministry's O.M. No. 12 (4)-E. V/60, dated the 5th June, 1969, that in the case of Scientific employees of Government going over to the Central autonomous organisations like CSIR, etc., without break on or after 16-6-1967, the pensionary liability will be discharged by way of payment of pro rata retirement benefits for the part of service rendered under the Government. As a result of the issue of this clarification, Scientific employees belonging to Government departments who get absorbed in an autonomous body which has the pensionary benefits to its employees, have been deprived of the pensionary benefits, i.e., benefit of pension of combined service by counting the service rendered under the Government as well as the autonomous organisation. The position has been reviewed as a result of representations from scientific employees and it has been decided that such employees belonging to Government departments on their absorption in autonomous bodies which have pensionary schemes will, on retirement from service of the autonomous body concerned, become eligible for pensionary benefits based on the combined service rendered under Government and the service rendered under the autonomous body. Death benefits, if admissible under the rules of the autonomous body, will also be payable to such an absorbed employee. The pensionary liability including liability arising out of grant of death benefits will continue to be allocated as aforesaid. Thus the provisions of this Ministry's clarificatory orders, dated the 5th June, 1969, will cease to apply to a scientific employee who is absorbed in an autonomous body which has a pensionary scheme.

*[*Clarification.*—It is clarified that in cases where pensionary benefits are admissible the benefits of carry forward of leave shall also be admissible.]

*[G.I., M.H.A., O.M. No. F. 3 (5)-Pen. (A)/79, dated the 24th September, 1979.]

24. The provisions of the orders contained in para. 23 shall not apply to a scientific employee absorbed in an autonomous body who, before 12th September, 1974, had quit the service of the autonomous body or who while in the service of the autonomous body has started receiving or has become eligible to receive the pro rata pension, etc. However, a scientific employee who was absorbed in an autonomous body before 12th September, 1974, but had not become eligible to receive the pro rata pension, etc., will get retirement benefits in terms of these orders, i.e., benefit of pension on the basis of combined service.

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State Government employees absorbed in Central autonomous bodies:

25. Normally when a State Government servant is absorbed in a Central autonomous body the liability for the benefits accruing for the past service rendered by him under a State Government falls on that Government and should be discharged by them. However, in case a State Government refuses to bear the liability, the question whether it should be taken over by the autonomous body will arise only if the absorption is considered inescapable. In such cases the autonomous body should, in their proposal relating to the initial appointment or absorption of the State Government employee, bring out specifically and clearly the extra-expenditure involved in absorbing the employee so that this factor is given due weight by Government before it is decided to absorb him.

(4)

Delegation of powers to Ministries/Departments to sanction pro rata retirement benefits on permanent absorption in Central Autonomous Bodies

[Government of India, Dept. of Pen. & Pen. Welfare, O.M. No. 4/5/86-P. & P.W., dated the 26th May, 1986.]

Under the Ministry of Finance, O.M. No. F. 4 (8)-E. V (B)/76, dated the 18th April, 1977, the Administrative Ministries/Departments were delegated powers on the following lines:—

That the Administrative Ministries/Departments shall consider the cases of grant of pro rata retirement benefits to the permanent Central Government employees permanently absorbed in the Central autonomous bodies themselves without reference to the Ministry of Finance if—(*a*) a case is covered by the provisions of Ministry of Finance, O.M., dated 8-4-1976 and (*b*) there is already a case in that Ministry/Department in which Government servant has been permanently absorbed in the *same* autonomous body and pro rata retirement benefits had been sanctioned in consultation with the Ministry of Finance.

2. Proposals for absorption not covered by the above delegation continued to be referred to the Ministry of Finance (now Department of Pension and Pensioners' Welfare).

3. The position has been reviewed and it has now been decided that with a view to expediting the settlement of cases of grant of pro rata retirement benefits to the Central Government servants on their absorption in the autonomous bodies, all such cases be decided by the Administrative Ministries/Departments and Comptroller and Auditor-General of India themselves in accordance with the provisions of Ministry of Finance, O.M., dated 8-4-1976 [*Order* (3) *in this Section*] as amendment from time to time even if there has been no case in that Ministry/Department earlier in which a Government servant has been permanently absorbed in the same

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autonomous body and pro rata retirement benefits had been sanctioned in consultation with Ministry of Finance or this Department.

4. "An autonomous body" means body which is controlled by Government or financed wholly or substantially from cess or Government grants. "Substantially" means that more than 50% of the expenditure of the autonomous body is met through cess or Government grants.

5. The sanction for pro rata retirement benefits to permanent Government servants absorbed in autonomous bodies shall be issued by the Administrative Ministry/Department in the enclosed format (*Format* IV *in Section* X *of this Appendix*) which contains the terms and conditions for permanent absorption.

6. However, all those cases which are not covered under the provisions of the O.M., dated 8-4-1976 [*Order* (3) *in this Section*] as amended from time to time, or which require relaxation of any provisions should continue to be referred to this Department with necessary service particulars.

7. These orders take effect from the 26th May, 1986.

SECTION III

(1)

Transfer of Central Government Servants to Public Sector Undertakings/Autonomous Bodies under State Governments/ Union Territories and Joint Sector Undertakings

[Government of India, Dept. of Pension and Pensioners' Welfare, O.M. No. 4/43/88-P. & P.W. (D), dated the 16th October, 1989.]

[*Effective from* 31*st March,* 1987]

The terms and conditions of permanent absorption of Central Government employees in the autonomous/statutory bodies/public sector undertakings under the control of State Government or Joint Sector Undertakings under the control of Central and State Government or two or more State Governments are at present regulated by the instructions contained in the Department of Personnel and A.R., O.M. No. 4 (5)/Pension Unit/79, dated the 9th January, 1984 [*Order* (2) *below*], whereas the terms and conditions of absorption in Central Public Sector Undertakings/ Central Autonomous Bodies are regulated by the instructions issued *vide* Department of Personnel and Training, O.M. No. 28016/5/85-Est. (C), dated the 31st January, 1986 [*Order* (1) *in Section* I] and Department of Pension and Pensioners' Welfare, O.M. No. 4 (12)/85-P. & P.W., dated the 31st March, 1987 [*Order* (1) *in Section* II].

2. It has been brought to the notice of the Central Government that disparity exists in the matter of payment of retirement benefits, etc., on

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absorption in an autonomous body/statutory body/public sector undertakings/joint sector undertakings under the control of a State Government *vis-a-vis* absorption in a Central Autonomous Body/Central Public Sector Undertaking. With a view to remove this disparity, the President is now pleased to decide that the terms and conditions given in succeeding paragraph will now be applicable in the case of permanent absorption of Central Government employees in the autonomous body/statutory body/public sector undertaking under the control of State Government including Joint Sector Undertaking.

3. Central Government employees holding permanent post under the Central Government will be entitled to the payment of pro rata retirement benefits for the service rendered under the Central Government up to the date of their permanent absorption in the autonomous body/statutory body/public sector undertaking under the control of State Government including joint sector undertaking as envisaged in this Department's O.M. No. 4 (12)/85-P. & P.W., dated the 31st March, 1987 [*Order* (1) *in Section* II], read with the Department of Personnel and Training, O.M. No. 28016/5/85-Est. (C), dated the 31st January, 1986 [*Order* (1) *in Section* I]. All the terms and conditions stipulated in both these Office Memoranda will be applicable to such cases of permanent absorption subject to the following further conditions:—

(*a*) Central Government employees would be required to join public sector undertakings/autonomous bodies, etc., under the control of State Government on immediate absorption basis. However, if the autonomous body or the public sector undertaking permits the employee to join on deputation/foreign service terms, lien shall be retained by the Central Government for the period permissible under the relevant rules.

(*b*) In case of absorption in an autonomous body under the State Government having a pension scheme on the pattern of the Central Government, the employee will have the option to count the service for pension provided the concerned State Government has entered into reciprocal arrangements with the Central Government for counting of service for pension. Otherwise, the employee will be entitled to the payment of pro rata retirement benefits only. [See *Section* VII in this Appendix for State Governments which have entered into reciprocal arrangements with Central Government.]

4. These orders shall take effect from *31st March, 1987. The cases of permanent absorption of Central Government employees in the public sector undertakings/autonomous body under the control of State Government and in Joint Sector Undertaking under the control of Central and State Government or two or more State Governments which have taken place before 31st March, 1987, shall be regulated in accordance with the

*Modified *vide* G.I., Dept. of Pen. & Pen. Welfare, O.M. No. 4/45/91-P. & P.W. (D), dated the 22nd April, 1992.

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Department of Personnel and A.R., O.M. No. 4 (5)/Pension Unit/79, dated the 9th January, 1984 [*Order* (2) *below*].

(2)

[Government of India, Dept. of Per. & A.R. O.M. No. 4 (5)/Pension Unit/79, dated the 9th January, 1984.]

[*Effective from* 9-1-1984 *to* 30-3-1987]

The question of entering into reciprocal arrangement with the various State Governments to the effect that where State Government employees are permanently absorbed in a Central Public Sector Undertaking/autonomous body, the liability for their past service in the form of pro rata retirement benefits may be undertaken by the State Government concerned and where a permanent Central Government servant is permanently absorbed in a Public Sector Undertaking/autonomous body under the State Government's control, the liability for his past service may be undertaken by the Central Government, has been under consideration for some time. After consulting the various State Governments, it has been decided that the permanent Central Government employees who are deputed to the Public Sector Undertakings and autonomous bodies, wholly or substantially owned or controlled by the various State Governments and are subsequently absorbed permanently in such organisations with the prior permission of the parent department of Central Government, may be allowed pro rata retirement benefits as are admissible to permanent Central Government employees absorbed permanently under the autonomous bodies controlled or financed wholly or substantially by the Central Government in accordance with the instructions laid down in the Ministry of Finance, O.M. No. 26 (18)-E. V (B)/75, dated the 8th April, 1976 [vide *Section* II, *Order* (3)], as amended from time to time. *[Where the permanent absorption of a Central Government employee in a State Public Sector Undertaking/Autonomous Body/Joint Sector Undertaking has taken place during the period from 9th January, 1984 to 30th March, 1987, carry forward of earned leave will be allowed to the extent due and admissible on the date of absorption of the employee subject to the condition that the permanent absorption is in the public interest.] These benefits may be sanctioned in each case by the appointing authority in the Central Government Departments with the prior concurrence of this Department on receipt of a proposal in this behalf from the State Government concerned.

2. The question as to whether the pro rata retirement benefits indicated in paragraph 1 above should also be allowed to Central Government employees seeking permanent absorption in Joint Sector Undertakings has also been considered and it has been decided that these benefits may be extended only in those cases where Joint Sector Undertaking is wholly under the Joint control of Central Government and State Government/

*Modified *vide* G.I., Dept. of Pen. & Pen. Welfare, O.M. No. 4/45/91-P. & P.W. (D), dated the 22nd April, 1992.

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Governments or under the Joint control of two or more State Governments and not under one Government and a private/foreign body. (The State Government includes Union Territory.)

3. These orders take effect from the date of issue and the concession will be admissible only where the permanent absorption of the permanent Central Government employees in the above organisations takes place on or after the date of issue of these orders. Cases of employees who had already quit the Central Government service or who had been confirmed in autonomous bodies, etc., before issue of these orders, need not be re-opened.

Clarifications.—1. It has been clarified that the orders above have merely extended the pro rata retirement benefits available to Central Government employees getting absorbed in Central Autonomous Bodies, to Central Government employees getting absorbed in the Public Sector Undertakings/autonomous bodies under the control of the various State Governments. Hence, it will not be quite correct to say that the restriction regarding non-availability of voluntary retirement under Rule 48-A to the absorbees in the autonomous bodies/undertakings of the State Governments has come into force with effect from 9-1-1984 only. The restriction in question has been in operation since the very inception of the scheme of voluntary retirement under Rule 48-A and still continues to be in force.

[G.I., D.P. & A.R., U.O. No. 1731/Pension Unit/84, dated the 28th April, 1984.]

2. It is confirmed that the Central Government employee who go to Public Sector Undertakings/Autonomous Bodies under State Government, etc., in response to open advertisements and who subsequently get absorbed therein will be eligible for the pro rata retirement benefits in terms of the above OM from the date of their permanent absorption, since, even in such cases, their applications would have been sent after the approval of the competent administrative authorities.

[G.I., D.P. & A.R., U.O. No. 2106/Pension Unit/84, dated the 9th May, 1984, in reply to C. & A.G.'s U.O. No. 379-Audit/115-83, dated the 28th April, 1984.]

3. A doubt has arisen whether a Central Government employee who is selected for appointment in the Delhi State Industrial Development Corporation (a Central Company, registered under the Companies Act, 1956 and all its shares held by the President of India), on Foreign Service terms, on the basis of his application, in response to open advertisement is entitled to the retirement benefits in terms of OM, dated the 29th August, 1984 [*Order* (1) *in Section* V], on his permanent absorption in the aforesaid organisation.

The Department of Pension and Pensioners' Welfare Unit to whom the matter was referred have advised that in accordance with the above OM, dated the 9th January, 1984, the Central Government employees getting absorption in Public Sector Undertakings/Autonomous Bodies of the Union Territories are allowed absorption benefits at par with absorption

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in the autonomous bodies of the State Governments. In other words, the autonomous bodies/Public Sector Undertakings of the Union Territories are treated at par with autonomous bodies of the State Government.

[C. & A.G., Letter No. 4524-N. 3/17-85 Vol. II/KW I, dated the 27th December, 1985.]

(3)

Delegation of powers to Ministries/Departments for grant of pro rata retirement benefits

[Government of India, Dept. of Pension & Pensioners' Welfare, O.M. No. 4/34/88-P. & P.W. (D), dated the 10th March, 1989.]

Reference is invited to para. 1 of the D.P. & A.R.'s O.M. No. 4 (5)/ Pen. Unit/79, dated the 9th January, 1984 [*Order* (2) *above*], under which it has been stated that pro rata retirement benefits may be sanctioned in each case by the appointing authority in the Central Government Departments with the prior concurrence of the Department of Personnel and A.R. (now Department of Pension and Pensioners' Welfare) on receipt of a proposal in this behalf from the State Government concerned.

2. The Department has received requests from other Ministries/ Departments for delegation of powers in this regard so that such cases can be dealt with in accordance with the existing orders on this subject but without prior concurrence of this Department. The matter has been examined in consultation with the Office of the Comptroller and Auditor-General of India. Keeping in view the fact that such delegation of power would simplify the procedure and expedite disposal of cases, it has been decided, to delegate these powers to the Administrative Ministries/Departments and the Comptroller and Auditor-General of India in respect of the staff working under their administrative control. The delegation of powers will be in respect of permanent absorption in PSUs/Autonomous Bodies in the 22 States which were in existence as on 9th January, 1984. As regards the newly created States of Arunachal Pradesh, Mizoram and Goa which have achieved statehood recently, the delegation of powers will be made after reciprocal arrangements for payment of pro rata retirement benefits have been made with these States.

3. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are being issued in consultation with the Comptroller and Auditor-General of India.

These orders take effect from the date of issue, i.e., from the 10th March, 1989.

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SECTION IV

Transfer of employees of a Central Autonomous/Statutory Body to another Autonomous/Statutory Body/Public Sector Undertaking or Central/State Governments

[Government of India, Ministry of Finance, O.M. No. 25 (1)-E. V/83, dated the 8th September, 1983.]

A number of requests have been received from various autonomous/ statutory bodies from time to time that the services rendered by their employees previously under another Central autonomous/statutory body or public sector undertaking or Central/State Governments before absorption in that autonomous/statutory body may be treated as qualifying service for pension. In other words, the benefit of pension based on combined service has been proposed. Alternative suggestions have also been received that the employees of an autonomous/statutory body may be allowed pro rata pensionary benefits in the event of their absorption in another Central autonomous/statutory body, etc., as laid down in the Ministry of Finance, O.M. No. 26 (18)-E. V (B)/75, dated 8-4-1976 [*Order* (3) *in Section* II], as amended from time to time in respect of Central Government servants. The matter has been under consideration of the Central Government for some time past.

2. Keeping all the relevant factors in view, the Government has decided that all cases of absorption of employees of a Central autonomous/ statutory body in Central/State Governments or in another Central autonomous/statutory body, etc., may be regulated in the following manner:—

(*a*) *Employees of autonomous bodies governed by CPF Scheme*:—

The CPF balances (inclusive of employer's contribution) along with interest may be transferred to the new organisation where the employee is absorbed. In case the Provident Fund Rules of the new organisation do not allow such transfer, the concerned employee may be paid this amount in cash. Cash payment may also be made if the new organisation does not have a CPF and follows a pension scheme.

Since the employees will, thus, get the benefit of the service rendered under the previous autonomous body, there will be no need either to count that service towards pension in the new organisation or to allow him any pro rata pension benefits.

(*b*) *The employees of autonomous body governed by Pension Scheme*—

(*i*) The temporary employees of such organisations seeking permanent absorption in another organisation will not be entitled to any benefit as they do not become eligible for pension.

(*ii*) Permanent employees with less than 10 years service absorbed in another organisation may be paid service gratuity at appropriate rate as admissible under the Rules of the previous organisation.

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(*iii*) Permanent employees with qualifying service of 10 years or more, on absorption in another organisation may be allowed pro rata retirement benefits with reference to the length of qualifying service rendered under the previous organisation till the date of absorption.

However, the pro rata retirement benefits as mentioned in (*ii*) and (*iii*) above will become payable either from the earliest date from which the employees could have retired voluntarily under the rules applicable to him (e.g., on attaining the age of 50/55 years or on completion of 30 years of qualifying service had he remained in service, as the case may be) or from the date of absorption in the new organisation, whichever is later.

(*iv*) From the date pro rata retirement benefits become payable, the pay of the employee in the new organisation may be fixed as a re-employed pensioner, by reducing the pay suitably.

(*c*) The scientific employees of autonomous/statutory bodies in the event of their absorption under Central Government will continue to be governed by the instructions issued by the Ministry of Finance from time to time.

3. The pro rata retirement benefits enumerated above will be payable only in those cases where the employee migrates from one organisation to another organisation with the prior permission of the employer, viz., the organisation from which he migrated.

4. These orders will take effect from the date of issue of these instructions and past cases decided otherwise will not be re-opened.

5. The Ministries/Departments of the Central Government are requested to advise the autonomous/statutory bodies under their administrative control to make the above provisions in their rules and regulations. In cases, where any practice otherwise than enumerated above is presently being followed, the same may be revised in accordance with the provisions contained in para. 2 above so that uniformity is maintained in such matters in all the organisations.

[*See also orders in Section* V *below.*]

SECTION V

(1)

Transfer of Central Government servants to Central Autonomous Bodies and vice versa and of employees of Central Autonomous Body to another Central Autonomous Body

[Government of India, Dept. of Personnel & A.R., O.M. No. 28-10/84-Pension Unit, dated the 29th August, 1984.]

As per existing orders, service rendered outside Central Government does not count for pension in Central Government except in the case of

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scientific employees of autonomous bodies financed or controlled by the Government who on permanent absorption under the Central Government are allowed to count their previous service for pension subject to certain conditions. In respect of personnel other than scientific employees, who are permanent in Central Government, in the event of their subsequent permanent absorption in public sector undertakings or any autonomous body, proportionate retirement benefits for the service rendered in Government till the date of permanent absorption are allowed as per rules in force at the time of absorption. No such benefit is allowed to temporary employees going over to autonomous body or undertaking.

2. A number of Central autonomous/statutory bodies have also introduced pension scheme for their employees on the lines of the pension scheme available to the Central Government employees. It has, therefore, been urged by such autonomous/statutory bodies that the service rendered by their employees under the Central Government or other autonomous bodies before joining the autonomous body may be allowed to be counted in combination with service in the autonomous body, for the purpose of pension, subject to certain conditions. Similar provisions for employees of autonomous body going over to Central Government have also been urged. In other words, the suggestion is that the benefit of pension based on combined service should be introduced.

3. This matter has been considered carefully and the President has now been pleased to decide that the cases of Central Government employees going over to a Central autonomous body or vice versa and employees of the Central autonomous body moving to another Central autonomous body may be regulated as per the following provisions:—

(*a*) *In case of Autonomous bodies where Pension Scheme is in operation*—

(*i*) Where a Central Government employee borne on pensionable establishment is allowed to be absorbed in an autonomous body, the service rendered by him under the Government shall be allowed to be counted towards pension under the autonomous body irrespective of whether the employee was temporary or permanent in Government. The pensionary benefits will, however, accrue only if the temporary service is followed by confirmation. If he retires as a temporary employee in the autonomous body, he will get terminal benefits as are normally available to temporary employees under the Government. The same procedure will apply in the case of employees of the autonomous bodies who are permanently absorbed under the Central Government.

The Government/autonomous body will discharge its pension liability by paying in lump sum as a one-time payment, the pro rata pension/service gratuity/terminal gratuity and retirement gratuity for the service up to the date of absorption in the autonomous body/Government, as the case may be.

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Lump sum amount of the pro rata pension will be determined with reference to commutation table laid down in CCS (Commutation of Pension) Rules, 1981, as amended from time to time.

*[NOTE.—Various Ministries/Departments of the Government of India may accept pension liability in all these cases where Central Government employees move to Central autonomous bodies with proper permission and discharge the same in the prescribed manner. For this purpose 'proper permission' means that Government servant applies for the post in autonomous body through 'proper channel' and he resigns with due intimation that he is doing so to take up assignment in autonomous body or the Government servant is relieved of his duties by the Government Department/Office to take up assignment in an autonomous body. Pension liability may also be accepted in past cases provided the Government servant took up the assignment in autonomous body with proper permission. The Ministry of Defence, etc., may please issue specific directions to their Financial Advisers to advise the autonomous/statutory bodies under their administrative control to make the above provisions in their rules and regulations. In cases where any practice other than that mentioned above is presently being followed, the same may be revised in accordance with these decisions and they may also provide for acceptance of pension liability for the past service.]

*[G.I., Dept. of Pension and Pensioners' Welfare, O.M. No. 28/10/84-Pension Unit —Volume I, dated the 12th September, 1985.]

(*ii*) A Central Government employee with Contributory Provident Fund benefits on permanent absorption in an autonomous body will have the option *either* to receive CPF benefits which have accrued to him from the Government and start his service afresh in that body *or* choose to count service rendered in Government as qualifying service for pension in the autonomous body by forgoing Government's share of CPF contributions with interest, which will be paid to the concerned autonomous body by the concerned Government Department. The option shall be exercised within one year from the date of absorption. If no option is exercised within stipulated period, employee shall be deemed to have opted to receive CPF benefits. The option once exercised shall be final.

(*b*) *Autonomous body where the Pension Scheme is not in operation*:

(*i*) A permanent Central Government employee borne on pensionable establishment on absorption under such autonomous body will be eligible for pro rata retirement benefits in accordance with the provisions of the Ministry of Finance, O.M. No. 26 (18) E. V (B)/75, dated the 8th April, 1976 [*Order* (3) *in Section* II], as amended from time to time. In case of quasi-permanent or temporary employees, the terminal gratuity as may be admissible under the rules would be actually payable to

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the individual on the date when pro rata retirement benefits to permanent employees become payable. However, in the case of absorption of a Government employee with CPF benefits, in such an autonomous organisation, the amount of his subscriptions and the Government's contribution, if any, together with interest thereon shall be transferred to his new Provident Fund account with the consent of that body.

(*ii*) An employee of an autonomous body on permanent absorption under the Central Government will have the option *either* to receive CPF benefits which have accrued to him from the autonomous body and start his service afresh in Government *or* choose to count service rendered in that body as qualifying service for pension in Government by forgoing employer's share of CPF contributions with interest thereon, which will be paid to the concerned Government Department by the autonomous body. The option shall be exercised within one year from the date of absorption. If no option is exercised within stipulated period, employee shall be deemed to have opted to receive CPF benefits. The option once exercised shall be final.

(*c*) *Absorption of employees of one Central Autonomous Body in another Central Autonomous Body*:

The above procedure will be followed *mutatis mutandis* in respect of employees going from one autonomous body to another.

4. "Central autonomous body" means body which is financed wholly or substantially from cess or Central Government grants. "Substantially" means that more than 50 per cent of the expenditure of the autonomous body is met through cess or Central Government grants. Autonomous body includes a Central statutory body or a Central University but does not include a public undertaking.

Only such service which qualifies for pension under the relevant rules of Government/Autonomous body shall be taken into account for this purpose.

5. (1) The employees of a Central autonomous body or Central Government, as the case may be, who have already been sanctioned or have received pro rata retirement benefits or other terminal benefits for their past service will have the option *either*—

(*a*) to retain such benefits and in that event their past service will not qualify for pension under the autonomous body or the Central Government, as the case may be; *or*

(*b*) to have the past service counted as qualifying service for pension under the new organisation in which case the pro rata retirement or other terminal benefits, if already received by them, will have to be deposited along with interest thereon

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from the date of receipt of those benefits till the date of deposit with the autonomous body or the Central Government, as the case may be. The right to count previous service as qualifying service shall not revive until the whole amount has been refunded. In other cases where pro rata retirement benefits have already been sanctioned but have not yet become payable, the concerned authorities shall cancel the sanction as soon as the individual concerned opts for counting of his previous service for pension and inform the individual in writing about accepting his option and cancellation of the sanction. The option shall be exercised within a period of one year from the date of issue of these orders. If no option is exercised by such employees within the prescribed time-limit they will be deemed to have opted for retention of the benefits already received by them. The option once exercised shall be final.

NOTE.—It has been decided in consultation with the Ministry of Finance that the rate of interest in such cases would be simple interest of 6% per annum.

Further the entire recovery may be made in monthly instalments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which person concerned exercised option, provided that the entire recovery in instalments does not go beyond the actual date of retirement. The right to count the previous service as qualifying service shall not revive until the whole amount has been refunded.

The entire amount including interest may be credited to the normal head to which contributions are credited.

[G.I., Dept. of Pen. and Pen. Welfare, O.M. No. 28/10/84-Pension Unit—Volume I, dated the 12th September, 1985.]

5. (2) Where no terminal benefits for the previous service have been received, the previous service in such cases will be counted as qualifying service for pension only if the previous employer accepts pension liability for the service in accordance with the principles laid down in this Office Memorandum. In no case pension contribution/liability shall be accepted from the employee concerned.

6. These orders will be applicable only where the transfer of the employee from one organisation to another was/is with the consent of the organisation under which he was serving earlier, including cases where the individual had secured employment directly on his own volition provided he had applied through proper channel/with proper permission of the administrative authority concerned.

7. *[These orders will take effect from the date of issue, viz., 29th August, 1984. The benefits under these orders should also be extended to all those who had retired prior to the issue of these orders and who

*As modified by G.I., Dept. of Pen. & Pen. Welfare, O.M. No. 28/2/85-P. & P.W., dated the 22nd February, 1988.

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are otherwise eligible for the benefit of counting of service thereunder. The arrears of pension, if any, which become due to the concerned pensioners, would be disbursed to them with effect from 29-8-1984 only and that they would not be entitled to get any relief in respect of the period prior to 29-8-1984.]

8. The provisions contained in the Ministry of Finance, Office Memorandum No. 26 (18) E. V (B)/75, dated the 8th April, 1976 [*Order* (3) *in Section* II] and O.M. No. 25 (1)-E. V/83, dated the 8th September, 1983 [*Section* IV] or any other orders shall, in so far as it provides for any of the matters contained in this Office Memorandum, cease to operate.

9. The Ministry of Education and Culture, etc., are requested to advise the autonomous/statutory bodies under their administrative control, with specific directions to the Financial Advisers concerned, to ensure to make necessary provisions in their Rules and Regulations/Articles of Association in accordance with the provisions contained in this Office Memorandum. In cases where any practice otherwise than enumerated above is presently being followed the same may be revised in accordance with the provisions of this Office Memorandum so that uniformity is maintained in such matters in all the organisations.

SECTION VI

Transfer of Central Government Employees to Autonomous/ Statutory Bodies of Union Territories and of Employees of Union Territories to Central Autonomous/Statutory Bodies

[Government of India, Dept. of Pen. & Pen. Welfare, O.M. No. 28 (22)/84-P. & P.W., dated the 4th February, 1986.]

The undersigned is directed to refer to the Department of Personnel and A.R.'s (now Department of Pension and Pensioners' Welfare) O.M. No. 28/10/84-Pension Unit, dated 29-8-1984 [*Order* (1) *in Section* V], laying down the provisions for regulating the cases of the Central Government employees going over to a Central autonomous body or vice versa for purpose of counting of past service for pension in the new organisation, and to say that certain Union Territory Administrations have sought clarification if the autonomous bodies of the UTs financed wholly or substantially by the UT Administrations can be treated at par with the autonomous bodies of the Central Government for the purpose of implementing the instructions contained in OM of 29-8-1984, referred to above. In this context it has also been pointed out by the UT Administrations that there are similarities between the administrations of the Union Territories and the Central Government extending to the terms and conditions of employment of the staff of the UTs, their scales of pay, their governance by the CCS (Pension) Rules, 1972, etc. It has, therefore, been urged that the benefit available to the employee of the Central Government when absorbed in autonomous bodies wholly or substantially financed by

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the Central Government and vice versa for counting of past service for pension, should also be extended to the employees of the UTs when absorbed in the autonomous bodies wholly or substantially financed by the Governments of Union Territories and vice versa.

2. The matter has been examined by this Department in consultation with the Ministry of Finance (Department of Exp.) and the following decisions have been taken:—

(*a*) Central Government employees moving to autonomous/statutory bodies of the Union Territory will also get the benefit of OM, dated 29-8-1984 [*Order* (1) *in Section* V].

(*b*) Employees of the Union Territory moving to the Central Autonomous/Statutory Bodies or Autonomous/Statutory Bodies of the same Union Territory will also be entitled to the benefit of OM, dated 29-8-1984 [*Order* (1) *in Section* V].

SECTION VII

Transfer of Personnel between Central Government/ Autonomous Bodies and State Governments/ Autonomous Bodies and vice versa

[Government of India, Dept. of Pen. & Pen. Welfare, O.M. No. 28 (10)/84-P. & P.W./Vol. II, dated the 7th February, 1986, 17th June, 1986, 30th October, 1986, 20th March, 1987, etc.]

In August, 1984, Central Government had issued orders that where a Central Government employee borne on pensionable establishment is allowed to be absorbed in a Central Autonomous Body having a pension scheme of its own, the service rendered by him under the Government shall be allowed to be counted towards pension under the Autonomous Body irrespective of whether the employee was temporary or permanent in Government, subject to certain conditions. The same procedure will apply in the case of employees of the Autonomous Bodies who are permanently absorbed under the Central Government. Certain employees of the State Governments and State Autonomous Bodies who joined the Central Autonomous Bodies/Statutory Bodies, have also represented that their service under the State Government/State Autonomous Body may be allowed to be counted towards pension under Central Autonomous Body where they are presently working. Similarly, certain Central Government servants and employees of the Central Autonomous Bodies/Statutory Bodies might have joined Autonomous Bodies/Statutory Bodies (excluding public undertakings) of the State Governments and may be desirous of getting the benefit of counting of service under Central Government/ Autonomous Bodies towards pension in the organisations where they are presently working.

2. In the circumstances explained above, it was felt that reciprocal arrangements may be entered into with the various State Governments

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to the effect that where employees of the State Governments/State Autonomous Bodies/State Statutory Bodies, have been absorbed in the Central Autonomous Bodies, they may be allowed the same benefits as have been extended to the Central Government servants and vice versa.

3. The question of extension of various benefits like counting of service, etc., in the cases of (*i*) employees of the Central Government absorbed in State Autonomous Bodies, and (*ii*) employees of Central Autonomous Bodies absorbed in State Governments and State Autonomous Bodies; and vice versa, has been considered in consultation with the State Governments. After careful consideration, the President has now been pleased to decide that these cases may be decided in accordance with the principles as laid down in the Department of Personnel and Administrative Reforms, O.M. No. 28/10/84-Pension Unit, dated 29-8-1984 [vide *Order* (1) *in Section* V]. The cases of Central Government servants appointed in State Governments and vice versa will continue to be decided as hitherto.

4. Similar orders regarding counting of service of the Central Government employees in the event of their absorption in the State Autonomous Bodies and employees of the Central Autonomous Bodies in the State Governments, and State Autonomous Bodies as well as orders regarding acceptance of pension liability, etc., in respect of State Government and State Autonomous Bodies' employees absorbed in Central Autonomous Bodies and employees of State Autonomous Bodies absorbed in Central Government will be issued by the respective State Governments.

5. These orders shall apply to employees of the State Governments and State Autonomous Bodies moving to Central Government, Central Government Autonomous Bodies in respect of the State Governments listed below—

State	Date from which applicable
Karnataka Madhya Pradesh Punjab Rajasthan Sikkim Tripura West Bengal Uttar Pradesh Bihar Gujarat Assam Meghalaya Himachal Pradesh	7-2-1986

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State	Date from which applicable
Andhra Pradesh	17- 6-1986
Kerala	30-10-1986
Jammu and Kashmir	20- 3-1987
Mizoram	7- 3-1988
Tamil Nadu	18- 4-1988
Goa	27- 5-1988
Arunachal Pradesh	27- 5-1988
Nagaland	7- 9-1988
Manipur	20- 9-1988
Haryana	20- 7-1989
Orissa	14- 2-1990
*Maharashtra	13- 7-1992

These orders shall be extended to the employees of other State Governments as and when they agree to similar reciprocal arrangements.

6. These orders will apply to the employees of the Central Government moving to State Autonomous Bodies and employees of Central Autonomous Bodies to the State Governments and their Autonomous Bodies mentioned in para. 5 above and vice versa who are in service on the date of issue of these orders, irrespective of the date of their absorption.

SECTION VIII

Conversion of Government Department/Office into a Central Autonomous Body or Public Sector Undertaking

(1)

Pensionary Terms

[Government of India, Dept. of Pen. & Pen. Welfare, O.M. No. 4/18/87-P. & P.W. (D), dated the 5th July, 1989.]

The question of settlement of pensionary terms on conversion of a Government Department or a segment thereof or a Government Office into a Central Public Sector Undertaking/Autonomous Body has been reviewed in the light of the recommendations of the Committee of the National Council (JCM). It has been decided that, in partial modification of this Department's Office Memoranda No. 4 (8)/85-P. & P.W., dated the 13th January, 1986 [*Order* (3) *below*] and No. 4 (8)/85-P. & P.W., dated the 30th October, 1986 [*Order* (4) *below*], the following

*Extended *vide* G.I., Dept. of Pen. & Pen. Welfare, O.M. No. 28/10/84-P. & P.W. (B)/Vol. II, dated the 13th July, 1992.

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terms and conditions will be applicable in the case of *en masse* transfer of employees:—

(*a*) The permanent Government servants shall have an option to retain the pensionary benefits available to them under the Government rules or be governed by the rules of the Public Sector Undertaking/Autonomous Body. This option shall also be available to quasi-permanent and temporary employees after they have been confirmed in the Public Sector Undertaking/Autonomous Body.

(*b*) The Government servants who opt to be governed by the pensionary benefits available under the Government, shall at the time of their retirement, be entitled to pension, etc., in accordance with the Central Government rules in force at that time.

(*c*) The permanent Government servants with less than 10 years' service, quasi-permanent employees and temporary employees who opt for the rules of the Public Sector Undertaking/Autonomous Body shall be entitled to an amount equal to Provident Fund contribution for the period of their service under the Government up to the date of permanent absorption in the PSU/Autonomous Body with simple interest at 6% per annum as opening balance in their CPF account with the Public Sector Undertaking/Autonomous Body.

(*d*) The permanent Central Government servants who have completed 10 years or more of service and who opt for the retirement benefits of a PSU/Autonomous Body will receive pro rata retirement benefits for the service rendered under the Government. These will be regulated as follows:—

(*i*) Employees will have an option, either to draw pro rata pension monthly or to draw a lump sum amount in lieu of 100% pro rata pension.

(*ii*) Where the employees opt in favour of monthly payment of pro rata pension, the same shall be allowed to be drawn with effect from the date of permanent absorption in a PSU/Autonomous Body. No part of pro rata pension will be allowed to be commuted either at the time of permanent absorption or any time thereafter.

(*iii*) In the case of employees who opt in favour of a lump sum amount in lieu of 100% pro rata pension, the lump sum value shall be worked out on the basis of table prescribed under the CCS (Commutation of Pension) Rules, 1981.

(*iv*) In the case of employees covered by clause (*ii*), the retirement gratuity and for those covered by clause (*iii*) above, both retirement gratuity as well as lump sum commuted value shall be paid on the expiry of a period of 7 years

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from the date of permanent absorption. The amounts, however, can be paid earlier in the event of death/retirement/resignation/discharge from service.

(*v*) The amounts of retirement gratuity and lump sum value in lieu of pension mentioned in clause (*iv*) above shall remain with the Government, and earn interest at the rate prescribed for General Provident Fund deposits from time to time for the period they remain with the Government.

2. The family pension entitlements will be regulated in accordance with the instructions being issued separately. [*See* Order (2) below.]

3. As soon as a Central Government Department, Office or segment of a Government Department is converted into a PSU/Autonomous Body, the concerned Government servants will be transferred to such new organisation on foreign service terms in the initial period. The Government servants will be permanently absorbed in the PSU/Autonomous Body with effect from a prospective date to be fixed by the concerned Administrative Ministry/Department and from that date they will cease to be Government servants. Such of the Government servants who are not willing to be absorbed will have an option to revert back to Government service. In that event, if no suitable vacancies are available in the Office/Department/Ministry for such employees, their names will be transferred to Surplus Staff Cell.

4. The Public Sector Undertaking/Autonomous Body will formulate the terms and conditions of service in the new body at the earliest possible date. The employees will however have an option to retain Government pay scales till their promotion or retirement (whichever is earlier) or to come over to the service conditions of PSU/Autonomous Body. However, until the exercise of this option, they will continue to be governed by the pay scales, leave entitlements and terminal benefits under the Government.

5. Dismissal/removal from the service of a Public Sector Undertaking/Autonomous Body after absorption for any subsequent misconduct shall not amount to forfeiture of his retirement benefits for the service rendered in the Central Government. Also in the event of dismissal/removal of a transferred employee from the Public Sector Undertaking/Autonomous Body, the employee concerned will be allowed protection to the extent that the Administrative Ministry/Department will review such order before taking a final decision.

6. The other terms and conditions stipulated in this Department's Office Memoranda, dated 13th January, 1986 and 30th October, 1986, referred above, which have not been specifically modified, will continue to remain operative.

7. These orders will also be applicable to those Government servants who would be absorbed in the Mahanagar Telephone Nigam Ltd., Videsh Sanchar Nigam Ltd., National Airport Authority of India, etc.

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(2)

Entitlement to Family Pension

[Government of India, Dept. of Pen. & Pen. Welfare, O.M. No. 1/61/89-P.W. (C), dated the 18th July, 1989.]

Reference is invited to para. 2 of this Department's O.M. No. 4/18/87-P. & P.W. (D), dated the 5th July, 1989 [*Order* (1) *above*] wherein it has been stated that orders regulating the family pension entitlements in respect of Central Government employees transferred *en masse* to a Public Sector Undertaking (PSU)/Autonomous Body will be issued separately. The recommendations made by the Committee of the National Council (JCM) in this regard have been reviewed. It has been decided that in partial modification of the Office Memoranda No. F. 4 (10)-E. V (B)/77, dated 10-7-1978, of the Ministry of Finance; No. 4 (8)/85-P. & P.W., dated 13-1-1986, and even No., dated 30-10-1986 [*Orders* (3) & (4) *below*], of the Department of Pension and Pensioners' Welfare the family pension entitlements in such cases will be regulated as indicated in the following paragraphs:—

2. (*i*) The employees who opt to continue to be governed by the Central Government rule shall be governed by the Family Pension Scheme of the Central Government; and

(*ii*) Those who opt to be governed by the rules of the Public Sector Undertakings/Autonomous Body shall have an option to be governed either by the Family Pension Scheme of the Central Government or by that of the PSU/Autonomous Body, but not both. However, the benefit of the Family Pension Scheme of the Central Government will be available only to such of the employees who are permanent and have a qualifying service of not less than ten years.

3. The liability of the Central Government in regard to cases covered by para. 2 (*ii*) above will be frozen as on the date of permanent absorption of the individual employees; that is to say, the amount of family pension payable will be calculated with reference to the pay drawn and the rules in force on the date of permanent absorption.

4. The employees covered by para. 2 (*i*) above and the eligible employees covered by para. 2 (*ii*) above who opt for the Family Pension Scheme of the Central Government will have to seek exemption from the operation of the provisions of the Employees' Family Pension Scheme under Section 17 (IC) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, wherever necessary. For this purpose, the concerned employee should submit a formal application for exemption to the Central Provident Fund Commissioner through their employer, i.e., the concerned Public Sector Undertakings/Autonomous Body.

5. The other terms and conditions stipulated in the various Office Memoranda referred to above which have not been specifically modified by this Office Memorandum will continue to be operative.

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6. These orders will also be applicable to those Central Government employees who would be absorbed in Mahanagar Telephone Nigam Ltd., Videsh Sanchar Nigam Ltd., National Airport Authority Ltd., etc.

(3)

[Government of India, Dept. of Pen. & Pen. Welfare, O.M. No. 4 (8)/85-P. & P.W., dated the 13th January, 1986.]

In supersession of the Ministry of Finance (Department of Expenditure), Office Memorandum No. F. 2 (6)-E. V (A)/62, dated 5th November, 1964 (*Not printed*), it has now been decided that the pensionary terms in respect of Government employees who are transferred to an autonomous body/public undertaking on the conversion of a Central Government Department/Office into an autonomous body or a public undertaking would be governed by the following conditions:—

(*a*) The permanent Government servants shall have an option to retain the pensionary benefits available to them under the Government rules or be governed by the rules of the public undertaking/autonomous body. This option shall also be available to quasi-permanent and temporary employees after they have been confirmed in the autonomous body/public undertaking.

(*b*) The Government servants who opt to be governed by the pensionary benefits available under the Government shall at the time of their retirement, be entitled to pension, etc., in accordance with the Central Government rules in force at that time.

(*c*) The Government employees who opt to be governed by the rules of the autonomous body or public undertaking shall become liable to the rules of the autonomous body or undertaking from the date of their transfer. For the service under the Government, they will receive following retirement benefits:—

(*i*) Permanent Central Government employees who have completed 10 years or more service will receive pro rata retirement benefits.

(*ii*) Permanent Government servants with less than 10 years service, quasi-permanent employees and temporary employees shall be entitled to Provident Fund Contribution for the period of their service under the Government with simple interest at the rate of 6% per annum as opening balance in their CPF a/c with the undertaking.

(*d*) The retirement benefits would become payable either from the earliest date from which Government servant could have retired voluntarily under the rules applicable to him (except under the scheme of voluntary retirement on completion of 20 years of qualifying service) or from the date of transfer to the undertaking/corporation whichever is later.

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2. If, on conversion, an autonomous body adopts Pension Scheme as applicable to Central Government servants, the service under Government will qualify towards pension under the autonomous body, instead of the benefits mentioned in para. 1 above.

(4)

Procedure for discharging pensionary liability, etc.

[Government of India, Dept. of Pen. & Pen. Welfare, O.M. No. 4/8/85-P. & P.W., dated the 30th October, 1986.]

Reference to Order (3) above, the question of discharge of pensionary liability of the Government to the newly established organisation, transfer of Provident Fund balances and carry-forward of leave in respect of the service of the Government servants under the Government before their transfer to the organisation have been examined in this Department and the following decisions have been taken:—

(*i*) The Government will discharge its pensionary liability by paying in lump sum as a one time payment, the pro rata pension/service gratuity/terminal gratuity and DCRG for the service up to the date of transfer of Government servants from a Government department to the autonomous body/undertakings on its conversion as such. Lump sum amount of the pro rata pension will be determined with reference to the commutation table, laid down in the CCS (Commutation of Pension) Rules, 1981, as amended from time to time.

(*ii*) Carry-forward of leave will not be allowed in such cases. However, Earned Leave at the credit of Government servants at the time of transfer to an autonomous body/public sector undertaking on the conversion of a Central Government Department/Office as such may be allowed to be encashed subject to a maximum of 180 (*now* 240) days. Half-pay leave will stand forfeited.

(*iii*) According to Explanation III below Rule 31 of the General Provident Fund Rules and corresponding Rule 33 of Contributory Provident Fund Rules (India), 1962, which provides that when a subscriber is transferred without any break, to service under a body corporate owned or controlled by Government the amount of subscription, together with interest thereon shall not be paid to him but shall be transferred with the consent of that body, to his new Provident Fund Account under that body.

It has been, however, decided that in cases where the Corporate Bodies do not have any Provident Fund Scheme or whose Provident Fund Rules do not provide for the acceptance of balance from other Provident Funds, the amount in question should be finally paid to the person concerned at the time of his transfer to such a body.

2. It has also been decided that no lien/quasi-permanent status of the Government servant concerned will be retained in his parent cadre.

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All his connections with the Government will be severed on his release for appointment in the Public Undertaking/Autonomous Body consequent on conversion of Government Department/Office, and he will not be allowed to revert to his parent cadre.

SECTION IX

Family pension entitlements to Central Government employees on absorption in Central Public Sector Undertakings/Autonomous Bodies

[Government of India, Dept. of Pen. & Pen. Welfare, O.M. No. 1-18/86-P. & P.W. (D), dated the 22nd January, 1990.]

The family pension entitlements in the case of Central Government employees absorbed in Central Public Sector Undertakings (PSUs)/Autonomous Bodies on individual basis are regulated in terms of the Office Memoranda mentioned below—

(*i*) G.I., M.F., D.E., O.M. No. 26 (18)-E. V (B)/75, dated 8-4-1976 (Para. 8) [*Order* (3) *in Section* II].

(*ii*) G.I., M.F., D.E., O.M. No. 26 (18)-E. V (B)/75, dated 17-6-1977 [*Order* (3) *in Section* II—*Para.* 8].

(*iii*) G.I., M.F., D.E., O.M. No. 4 (10)-E. V (B)/77, dated 10-7-1978.

(*iv*) G.I., D.P. & P.W., O.M. No. 1/3/85-Pension Unit, dated 20-9-1985 [*Order* (3) *in Section* II—*Para.* 8.]

These orders, *inter alia*, provide that the absorbed employees would be eligible for the benefits under the Government Family Pension Scheme only if a Family Pension Scheme (i.e., Employees' Family Pension Scheme, 1971) framed under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, is not in operation in the PSUs/Autonomous Bodies concerned or where such a scheme is in operation they are not eligible for it for one reason or the other (e.g., they may be drawing more pay than the prescribed limit for being eligible under that Scheme), and that in all other cases the absorbed employees would be compulsorily governed by the Employees' Family Pension Scheme, 1971, framed under the 1952 Act.

2. The Staff Side in the 29th Ordinary Meeting of the National Council (JCM) requested that the restrictions referred to in para. 1 above may be removed, if necessary by even amending the 1952 Act, and all absorbed employees given a chance to opt either for the benefits under the Family Pension Scheme of the Central Government or the Employees' Family Pension Scheme, 1971.

3. The demand of the Staff Side was referred to a Joint Committee of the National Council (JCM) which recommended that as the Employees'

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Provident Funds and Miscellaneous Provisions Act, 1952, has since been amended providing for the grant of exemption to any employee or class of employees from the operation of the Employees' Family Pension Scheme, 1971, the absorbed employees who will otherwise be governed by the pensionary benefits of the PSUs/Autonomous Bodies may be allowed to exercise an option to retain the Family Pension Scheme under the Central Government.

4. This recommendation has been accepted by the Government. It has now been decided that, in partial modification of the Office Memoranda mentioned in para. 1 above, the family pension entitlements of the absorbed employees will be regulated as under:

(*i*) the absorbed employees shall have an option to be governed *either* by the Family Pension Scheme of the Central Government or by that of the PSUs/Autonomous Bodies, *but not both*. However, the benefit of Family Pension Scheme of the Central Government will be available only to such of the absorbed employees who are permanent and have a qualifying service of not less than ten years; and

(*ii*) the liability of the Central Government in this regard will be frozen as on the date of permanent absorption of the individual employees; that is to say, the amount of family pension payable will be calculated with reference to the pay drawn and the rules in force on the date of permanent absorption.

5. The absorbed employees who opt for the Family Pension Scheme of the Central Government will have to seek exemption from the operation of the provisions of the Employees' Family Pension Scheme, 1971, under Section 17 (1-*C*) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, wherever necessary. For this purpose, the concerned employees should submit a formal application for exemption to the Central Provident Fund Commissioner through their employers, i.e., the concerned PSUs/Autonomous Bodies.

6. The other terms and conditions stipulated in the various Office Memoranda mentioned in para. 1 above which have not been specifically modified by this Office Memorandum, will continue to be operative.

7. These orders take effect from the date of issue. The Central Government employees absorbed in PSUs/Autonomous Bodies and who are in service on this date will be eligible to exercise the option for being governed by the Family Pension Scheme of the Central Government. This option shall be exercised within a period of six months from the date of issue of this Office Memorandum. The option once exercised shall be final.

8. In their application to the persons belonging to the Indian Audit and Accounts Department, these orders issue in consultation with the Comptroller and Auditor-General of India.

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SECTION X

FORMATS

to be used for sanction of pro rata retirement benefits on absorption in Central Public Sector Undertakings/ Autonomous Bodies

[G.I., Dept. of Pen. & Pen. Welfare, O.M. No. 4/15/89-P. & P.W. (D), dated the 30th March, 1990.]

Permanent Central Government employees are entitled to payment of pro rata retirement benefits on absorption in Central Public Sector Undertakings/Central Autonomous Bodies, as per the option exercised by them, and the same is admissible under the Department of Per. and Trg., O.M. No. 28016/5/85-Estt. (C), dated the 31st January, 1986 [*Order* (1) *in Section* I] and this Department's O.M. No. 4 (12)/85-P. & P.W., dated the 31st March, 1987 [*Order* (1) *in Section* II]. The Administrative Ministries/Departments have already been delegated powers to deal with such cases of absorption without obtaining prior concurrence of this Department.

2. After the issue of this Department's O.M. No. 4 (5)/86-P. & P.W., dated the 26th May, 1986 [*Order* (4) *in Section* II] under which a format was prescribed for dealing with cases of absorption of Central Government employees in Central autonomous bodies, no other formats have been prescribed by this Department. With the issue of the OM, dated the 31st January, 1986 and 31st March, 1987, it has now become essential that the orders of permanent absorption in a Central public sector undertaking which has taken place on and after 6th March, 1985 and the absorption in a Central autonomous body which has taken place on and after 31st March, 1987, should be issued by prescribing separate set of formats since the terms and conditions of absorption have undergone change during the course of time.

3. The position has now been reviewed and it has been decided that sanction of pro rata retirement benefits to permanent Government servants absorbed in Central public sector undertakings on and after 6th March, 1985 and in Central autonomous bodies on and after 31st March, 1987, have to be issued by the Administrative Ministries/Departments in the enclosed format(s) (*Formats* I, II *and* III) which contains the terms and conditions of permanent absorption. For the cases of permanent absorption in a Central public sector undertaking which has taken place from a date prior to 6th March, 1985, the format prescribed by the Bureau of Public Enterprises will continue to be used. Permanent absorption which has taken place in a Central autonomous body prior to 31st March, 1987, format prescribed under this Department's O.M. No. 4/5/86-P. & P.W., dated the 26th May, 1986, ibid (*Format* IV) may be made use of.

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FORMAT I

Format to be used on absorption in a Central Public Sector Undertaking in respect of cases arising on or after 6-3-1985

(Central Public Sector Undertaking)

.....

.....

Subject:—Permanent absorption of Shri/Smt.....(*Name and Designation*) in.....(*Name of Organisation*).

Sir,

I am directed to refer to your Letter No....., dated....., on the above-mentioned subject and to convey the sanction of the President to the permanent absorption in.....*of Shri/Smt./Kumari.....**a permanent Central Government employee and.....***in the Ministry/Department/Office of.....****on the terms and conditions envisaged in the Department of Personnel and Training, O.M. No. 28016/5/85-Estt. (C), dated the 31st January, 1986, as amended from time to time, w.e.f. the date and on the terms and conditions as indicated hereafter.

2. Date of effect.—The permanent absorption shall take effect from.....(*date*) forenoon/afternoon.

3. Pension/Gratuity.—(1) He/She will exercise an option within six months of the date of issue of these orders—

(*i*) either to receive pro rata monthly pension.

(*ii*) or to receive a lump sum amount in lieu of monthly pension.

The option shall be exercised in writing. The option once exercised shall be final. In case no option is exercised within the stipulated period, he/she will be deemed to have opted in favour of sub-clause (*i*) above.

(2) In the event of his/her option in favour of sub-clause (*i*) of clause (1), he/she will draw pro rata pension and retirement gratuity for the service rendered under the Government. He/she will also be eligible to commute up to ⅓rd of his/her pension.

(3) If he/she opts in favour of sub-clause (*ii*) of clause (1), he/she will receive lump sum amount in lieu of pro rata pension and retirement gratuity. The lump sum amount will be calculated by applying the commutation table under the CCS (Commutation of Pension) Rules, 1981, applicable on the date of his/her cessation of service under the Government. The commutation shall be subject to medical examination. The pension so commuted shall not be restored at any stage.

(4) **Calculation of pro rata retirement benefits.**—The retirement gratuity and pro rata pension will be calculated in accordance with the Central Civil Services (Pension) Rules, 1972.

NOTE.—The benefit of the scheme of voluntary retirement issued *vide* Department of Per. and A.R., O.M. No. 25013/7/77-Estt. (A), dated the 26th August, 1977, as embodied in Rule 48-A of the CCS (Pension) Rules, 1972, is not admissible in this case.

(5) **Date of payment of pro rata retirement benefits.**—The amount of retirement gratuity and lump sum amount in lieu of pension wherever opted will be payable immediately after the date of his/her permanent absorption. The amount of pro rata monthly pension wherever applicable will also be payable from the date following the date of cessation of service under the Central Government.

(6) **Limitation as to the total amount of gratuity.**—The total gratuity admissible in respect of the service rendered under the Government of India and that under the.....* shall not exceed the amount that would have been admissible, had Shri/Smt.....** continued in Government service and retired on the same pay which he/she drew on retirement from.....*

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(7) **Effect of Liberalisation of Pension/Gratuity Rules after absorption.**—Any further liberalisation of pension/gratuity rules decided upon by Government of India in respect of its officers after the permanent absorption of Shri/Smt.....**in.....* will NOT be extended to him/her in case Shri/Smt.....**has opted to receive lump sum amount in lieu of pension on absorption and the permanent absorption has taken place from a date prior to the date from which rationalisation/liberalisation in Pension Rules has been given effect to by the Central Government.

4. Family Pension admissible from one source only.—(*i*) On his/her permanent absorption in (*name of organisation*), the family of Shri/Smt.....**will be eligible for family pension as admissible under the Central Government only if there is no family pension scheme in the (*name of organisation*) or only if he/she is not eligible to join the family pension scheme available in the (*name of organisation*) or only if he/she is specifically exempted by the Central Provident Fund Commissioner on the basis of a formal application submitted by him/her through the (*name of organisation*) from the coverage of the family pension scheme of the (*name of the organisation*). In all other situation he/she will be compulsorily covered by the family pension scheme of the (*name of organisation*).

(*ii*) The liability of the Central Government in regard to the amount of family pension will be frozen as on the date of permanent absorption in the (*name of organisation*) and will be calculated with reference to the pay drawn and the rules in force on the date of permanent absorption. The eligibility of family members to receive family pension will be regulated in accordance with the Central Government Rules/Orders in force at the relevant time.

(*iii*) Family pension will be admissible only from one source, i.e., either from the Central Government or from the (*name of the organisation*) and not from both.

NOTE.—The family will not be eligible for any benefit under the family pension scheme of the Central Government if he/she is not permanent and also does not have a qualifying service of not less than ten years on the date of absorption.

5. Fixation of pay on absorption.—Shri/Smt.....**will be free to negotiate his emoluments with (*name of organisation*). On his/her absorption, he/she will be at par with other employees of the (*name of organisation*) and will be governed by the rules of that organisation in all respects.

6. Leave.—Shri/Smt.....**will be entitled to encashment of earned leave to his/her credit at the time of acceptance of his/her resignation from Government service subject to a maximum of 240 days. Half-pay leave will stand forfeited.

7. Benefits after permanent absorption.—For the period of service rendered by Shri/Smt.....**in.....* from the date of permanent absorption he/she will be entitled to all the benefits admissible to the corresponding employees of the said organisation and continue to be governed by its rules in all respects.

8. Provident Fund.—The amount of subscription together with interest thereon standing to the credit of Shri/Smt.....**in the General Provident Fund account will be transferred to his/her new Provident Fund Account under the (*Orgn.*) with its consent. In case the organisation does not have Provident Fund Scheme or the PF Scheme of the organisation does not provide for acceptance of balance from other Provident Funds, the GPF balance shall be paid to Shri/Smt.....**in cash. Once such a transfer of Provident Fund balance has taken place, Shri/Smt.....**will be subject to the Provident Fund Rules of the (*organisation*) and not of the Provident Fund Rules of the Government of India.

Yours faithfully,

Officer competent to issue the sanction from the Ministry/Department

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Copy forwarded for information and necessary action to—

1. Pay and Accounts Officer.....
2. Shri/Smt.....**

Officer competent to issue the sanction from the Ministry/Department

---

*Name of the Organisation to which proceeding.

**Name of the Official.

***Designation at the time of permanent absorption.

****Name of Office/Department/Ministry from which proceeding.

FORMAT II

Format to be used on absorption in a Central Autonomous Body having a pension scheme in respect of cases arising on or after 31-3-1987

To

(Central Autonomous Body)

.....

.....

Subject:—Permanent absorption of Shri/Smt.....(*Name and Designation*) in.....(*Name of Organisation*).

Sir,

I am directed to refer to your Letter No....., dated....., on the above-mentioned subject and to convey the sanction of the President to the permanent absorption in.....*of Shri/Smt./Kumari.....**a permanent Central Government employee and.....***in the Ministry/Department/Office of.....****on the terms and conditions envisaged on the Department of Pension and Pensioners' Welfare, Office Memorandum No. 4 (12)/85-P. & P.W., dated 31-3-1987, as amended from time to time, with effect from the date and on the terms and conditions as indicated hereafter.

2. Date of effect.—The permanent absorption shall take effect from (*date*) forenoon/afternoon.

3. Pension/Gratuity.—(1) Shri/Smt./Kumari.....**will exercise option within six months of the issue of this order—

(*i*) *either* to count the service rendered under the Central Government for pension in.....* under the D.P. & A.R.'s O.M. No. 28/10/84-PU, dated 29-8-1984.

(*ii*) *or* to receive pro rata retirement benefits for the service rendered under the Central Government.

The option shall be exercised in writing. The option once exercised shall be final. In case no option is exercised within the stipulated period, he/she will be deemed to have opted in favour of sub-clause (*i*) above.

(2) In case he/she opts in favour of sub-clause (*i*) of clause (1) above he/she will be eligible to draw pension in accordance with the rules of the.....*for the combined service under the Central Government and that under the.....*on her final retirement from that body. If he/she resigns from service of the.....*his/her resignation will be treated as resignation from Central Government service entailing forfeiture of past services including that under the Government and consequent loss of pensionary benefits for the combined service.

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(3) (*a*) In case he/she opts in favour of sub-clause (*ii*) of clause (1), he/she will have further option which will also have to be exercised along with the option referred to in clause (1) above—

(*i*) *either* to receive pro rata monthly pension,

(*ii*) *or* to receive a lump sum amount in lieu of monthly pension.

In case no specific option is indicated by him/her in this behalf, he/she will be deemed to have opted in favour of sub-clause (*i*) of this clause.

(3) (*b*) In the event of his/her option in favour of sub-clause (*i*) of clause (3) (*a*), he/she will draw pro rata pension and retirement gratuity for the service rendered under the Government. He/she will also be eligible to commute up to ⅓rd of his/her pension.

(3) (*c*) If he/she opts in favour of sub-clause (*ii*) of clause 3 (*a*), he/she will receive lump sum amount in lieu of pro rata pension and retirement gratuity. The lump sum amount will be calculated by applying the commutation table under the CCS (Commutation of Pension) Rules, 1981, applicable on the date of his/her cessation of service under the Government. The commutation shall be subject to medical examination. The pension so commuted shall not be restored at any stage.

(3) (*d*) *Calculation of pro rata retirement benefits.*—The retirement gratuity and pro rata pension will be calculated in accordance with the Central Civil Service (Pension) Rules, 1972.

NOTE.—The benefit of the scheme of voluntary retirement issued *vide* Department of Personnel and Administrative Reforms, O.M. No. 25013/7/77-Estt. (A), dated the 26th August, 1977, as embodied in Rule 48-A of the CCS (Pension) Rules, 1972, is not admissible in this case.

(3) (*e*) *Date of payment of pro rata retirement benefits.*—The amount of retirement gratuity and lump sum amount in lieu of pension wherever opted will be payable immediately after the date of his/her permanent absorption. The amount of pro rata monthly pension wherever applicable will also be payable from the date following the date of cessation of service under the Central Government.

(3) (*f*) *Limitation as to the total amount of gratuity.*—The total gratuity admissible in respect of the service rendered under the Government of India and that under the .....*shall not exceed the amount that would have been admissible, had Shri/Smt. .....**continued in Government service and retired on the same pay which he/she drew on retirement from.....*

(3) (*g*) *Effect of Liberalisation of Pension/Gratuity Rules after absorption.*—Any further liberalisation of pension/gratuity rules decided upon by Government of India in respect of its officers after the permanent absorption of Shri/Smt.....**in.....* will NOT be extended to him/her in case Shri/Smt.....**has opted to receive a lump sum amount in lieu of pension on absorption and the permanent absorption has taken place from a date prior to the date from which rationalisation/liberalisation in pension rules has been given effect to by the Central Government.

4. Family Pension admissible from one source only.—(*i*) On his/her permanent absorption in (*name of organisation*), the family of Shri/Smt.....**will be eligible for family pension as admissible under the Central Government only if there is no family pension scheme in the (*name of organisation*) or only if he/she is not eligible to join the family pension scheme available in the (*name of organisation*) or only if he/she is specifically exempted by the Central Provident Fund Commissioner on the basis of a formal application submitted by him/her through the (*name of organisation*) from the coverage of the family pension scheme of the (*name of organisation*). In all other situations he/she will be compulsorily covered by the family pension scheme of the (*name of organisation*).

(*ii*) The liability of the Central Government in regard to the amount of family pension will be frozen as on the date of permanent absorption in the (*name of organisation*) and will be calculated with reference to the pay drawn and the rules in force on the date of

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permanent absorption. The eligibility of family members to receive family pension will be regulated in accordance with the Central Government Rules/Orders in force at the relevant time.

(*iii*) Family pension will be admissible only from one source, i.e., either from the Central Government or from the (*name of organisation*) and not from both.

NOTE.—The family will not be eligible for any benefit under the family pension scheme of the Central Government if he/she is not permanent and also does not have a qualifying service of not less than ten years, on the date of absorption.

5. Fixation of pay on absorption.—Shri/Smt.....**will be free to negotiate his emoluments with autonomous body. On his/her absorption, he/she will be at par with other employees of the autonomous body and will be governed by the rules of the autonomous body in all respects.

6. Leave.—Shri/Smt.....**will be entitled to an encashment of earned leave to his/her credit at the time of acceptance of his/her resignation from Government service subject to a maximum of 240 days. Half-pay leave will stand forfeited.

7. Benefits after permanent absorption.—For the period of service rendered by Shri/Smt.....**in.....*from the date of permanent absorption he/she will be entitled to all the benefits admissible to the corresponding employees of the said organisation and continue to be governed by its rules in all respects.

8. Provident Fund.—The amount of subscription together with interest thereon standing to the credit of Shri/Smt.....**in the General Provident Fund account will be transferred to his/her new Provident Fund Account under the (*orgn.*) with its consent. In case the autonomous body does not have Provident Fund Scheme or the Provident Fund Scheme of autonomous body does not provide for acceptance of balance from other Provident Funds, the GPF balance shall be paid to Shri/Smt.....**in cash. Once such a transfer of Provident Fund balance has taken place, Shri/Smt.....**will be subject to the Provident Fund Rules of the (*organisation*) and not of the Provident Fund Rules of the Government of India.

Yours faithfully,

Officer competent to issue the sanction from the Ministry/Department

Copy forwarded for information and necessary action to—

(1) Pay and Accounts Officer.....

(2) Shri/Smt.**.....

Officer competent to issue the sanction from the Ministry/Department

---

*Name of the Organisation to which proceeding.

**Name of the Official.

***Designation at the time of permanent absorption.

****Name of Office/Department/Ministry from which proceeding.

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FORMAT III

Format to be used on absorption in a Central Autonomous Body not having a pension scheme in respect of cases arising on or after 31-3-1987

To

(Central Autonomous Body)

.....

.....

Subject:—Permanent absorption of Shri/Smt.....(*Name and Designation*) in.....(*Name of Organisation*).

Sir,

I am directed to refer to your Letter No....., dated....., on the above-mentioned subject and to convey the sanction of the President to the permanent absorption in.....*of Shri/Smt./Kumari.....**a permanent Central Government employee and.....***in the Ministry/Department/Office of .....****on the terms and conditions envisaged in the Department of Pension and Pensioners' Welfare, Office Memorandum No. 4 (12)/85-P. & P.W., dated 31-3-1987, as amended from time to time, w.e.f. the date and on the terms and conditions as indicated hereafter.

2. Date of effect.—The permanent absorption shall take effect from (*date*) forenoon/afternoon.

3. Pension/Gratuity.—(1) He/she will exercise an option within six months of the issue of this order—

(*i*) *either* to receive pro rata monthly pension,

(*ii*) *or* to receive a lump sum amount in lieu of monthly pension.

The option shall be exercised in writing. The option once exercised shall be final. In case no option is exercised within the stipulated period, he/she will be deemed to have opted in favour of sub-clause (*i*) above.

(2) In the event of his/her option in favour of sub-clause (*i*) of clause (1), he/she will draw pro rata pension and retirement gratuity for the service rendered under the Government. He/she will also be eligible to commute up to ⅓rd of his/her pension.

(3) If he/she opts in favour of sub-clause (*ii*) of clause (*i*), he/she will receive lump sum amount in lieu of pro rata pension and retirement gratuity. The lump sum amount will be calculated by applying the commutation table under the CCS (Commutation of Pension) Rules, 1981, applicable on the date of his/her cessation of service under the Government. The commutation shall be subject to medical examination. The pension so commuted shall not be restored at any stage.

(4) **Calculation of pro rata retirement benefits.**—The retirement gratuity and pro rata pension will be calculated in accordance with the Central Civil Services (Pension) Rules, 1972.

NOTE.—The benefit of the scheme of voluntary retirement issued *vide* Department of Personnel and Administrative Reforms, O.M. No. 25013/7/77-Estt. (A), dated the 26th August, 1977, as embodied in Rule 48-A of the CCS (Pension) Rules, 1972, is not admissible in this case.

(5) **Date of payment of pro rata retirement benefits.**—The amount of retirement gratuity and lump sum amount in lieu of pension wherever opted will be payable immediately after the date of his/her permanent absorption. The amount of pro rata monthly pension wherever applicable will also be payable from the date following the date of cessation of service under the Central Government.

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(6) **Limitation as to the total amount of gratuity.**—The total gratuity admissible in respect of the service rendered under the Government of India and that under the.....* shall not exceed the amount that would have been admissible, had Shri/Smt.....** continued in Government service and retired on the same pay which he/she drew on retirement from.....*

(7) **Effect of Liberalisation of Pension/Gratuity Rules after absorption.**—Any further liberalisation of pension/gratuity rules decided upon by Government of India in respect of its officers after the permanent absorption of Shri/Smt.....**in.....* will NOT be extended to him/her in case Shri/Smt.....**has opted to receive lump sum amount in lieu of pension on absorption and the permanent absorption has taken place from a date prior to the date from which rationalisation/liberalisation in pension rules has been given effect to by the Central Government.

4. Family Pension admissible from one source only.—(*i*) On his/her permanent absorption in (*name of organisation*), the family of Shri/Smt.....**will be eligible for family pension as admissible under the Central Government only if there is no family pension scheme in the (*name of organisation*) or only if he/she is not eligible to join the family pension scheme available in the (*name of organisation*) or only if he/she is specifically exempted by the Central Provident Fund Commissioner on the basis of a formal application submitted by him/her through the (*name of organisation*) from the coverage of the family pension scheme of the (*name of organisation*). In all other situations he/she will be compulsorily covered by the family pension scheme of the (*name of organisation*).

(*ii*) The liability of the Central Government in regard to the amount of family pension will be frozen as on the date of permanent absorption in the (*name of organisation*) and will be calculated with reference to the pay drawn and the rules in force on the date of permanent absorption. The eligibility of family members to receive family pension will be regulated in accordance with the Central Government Rules/Orders in force at the relevant time.

(*iii*) Family pension will be admissible only from one source, i.e., either from the Central Government or from the (*name of organisation*) and not from both.

NOTE.—The family will not be eligible for any benefit under the family pension scheme of the Central Government if he/she is not permanent and also does not have a qualifying service of not less than ten years, on the date of absorption.

5. Fixation of pay on absorption.—Shri/Smt.....**will be free to negotiate his emoluments with autonomous body. On his/her absorption, he/she will be at par with other employees of the autonomous body and will be governed by the rules of the autonomous body in all respects.

6. Leave.—Shri/Smt.....**will be entitled to encashment of earned leave to his/her credit at the time of acceptance of his/her resignation from Government service subject to a maximum of 240 days. Half-pay leave will stand forfeited.

7. Benefits after permanent absorption.—For the period of service rendered by Shri/Smt. .....**in.....*from the date of permanent absorption he/she will be entitled to all the benefits admissible to the corresponding employees of the said organisation and continue to be governed by its rules in all respects.

8. Provident Fund.—The amount of subscription together with interest thereon standing to the credit of Shri/Smt.....**in the General Provident Fund account will be transferred to his/her new Provident Fund Account under the (*orgn.*) with its consent. In case the autonomous body does not have Provident Fund Scheme or the PF Scheme of Autonomous Body does not provide for acceptance of balance from other Provident Funds, the GPF balance shall be paid to Shri/Smt.....**in cash. Once such a transfer of Provident Fund balance has taken place, Shri/Smt.....** will be subject to the Provident Fund Rules of the (*Organisation*) and not of the Provident Fund Rules of the Government of India.

Yours faithfully,

Officer competent to issue the sanction from the Ministry/Department

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Copy forwarded for information and necessary action to—

(1) Pay and Accounts Officer.....

(2) Shri/Smt.**.....

Officer competent to issue the sanction from the Ministry/Department

---

*Name of the Organisation to which proceeding.

**Name of the Official.

***Designation at the time of permanent absorption.

****Name of Office/Department/Ministry from which proceeding.

FORMAT IV

To be used on absorption in a Central Autonomous Body in respect of cases which arose prior to 31-3-1987

No.....

Government of India

Ministry of.....

Department of.....

New Delhi, the.....

To

Subject:—Permanent absorption of Shri/Smt.....(*Name and Designation*) in.....(*Name of Organisation*)

Sir,

I am directed to refer to your Letter No....., dated....., on the above subject, and to convey the sanction of the President to the permanent absorption of .....(*Name and Designation*) of the permanent post held.....as..... (*Designation*) in.....(*Name of Organisation*) on his/her own volition/ in the public interest* on the terms and conditions envisaged in the Ministry of Finance (Department of Expenditure), O.M. No. 26 (18)/E. V. (B)/75, dated the 8th April, 1976, as amended from time to time, with effect from the date and on the principal terms and conditions as indicated hereafter—

(*i*) *Date of the effect.*—The permanent absorption shall have effect from..... (*date*) forenoon/afternoon.

(*ii*) *Pension/Gratuity.*—On his/her permanent absorption in.....(*Name of the Organisation*) Shri/Smt.....shall be eligible for pro rata pension and retirement gratuity based on the length of his/her qualifying service under the Government of India till the date of his/her permanent absorption in.....(*Name of Organisation*) as admissible under the rules applicable to officers of the Central Civil Service in force on the above-mentioned date.

(*iii*) *Calculation of pro rata retirement benefits.*—The pro rata retirement gratuity and pension will be calculated respectively on the basis of "emoluments" and "average emoluments" as defined in Rules 33 and 34 of the Central Civil Services (Pension) Rules, 1972.

(*iv*) *Date of payment of pro rata retirement benefits.*—The amounts of pro rata pension and retirement gratuity which will be worked out and intimated to Shri/Smt..... as well as to.....(*Organisation*) would be disbursable to the officer from the earliest

---

*Strike out whichever is not applicable.

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date from which he/she could have become eligible for voluntary retirement had he/she continued under Government of India or from the date of his/her permanent absorption in the.....(*name of Organisation*) whichever is later.

NOTE.—The benefit of the scheme of voluntary retirement issued *vide* Dept. of Personnel and A.R., O.M. No. 25013/7/77-Estt. (A), dated the 26th August, 1977, as embodied in Rule 48-A of the CCS (Pension) Rules, 1972, is not admissible in this case.

(*v*) *Option.*—The officer will exercise an option, within six months of the date of issue of this letter, for either of the alternatives indicated below—

(*a*) receiving the pro rata monthly pension and Retirement Gratuity as admissible under clauses (*ii*), (*iii*) and (*iv*) above under the Government of India Rules.

Or

(*b*) receiving the pro rata Gratuity and a lump sum amount in lieu of pension worked out with reference to the commutation tables obtaining on the date from which pension will be admissible and the commuted value becomes payable.

Where no option is exercised within the prescribed period, the officer will automatically be governed by alternative (*b*) above. Option once exercised shall be final. The option shall be exercised in writing.

(*vi*) *Commutation.*—In case Shri/Smt.....opts to receive pension as in para. (*v*) (*a*) above but wishes to commute a portion of his/her pension, such commutation will be regulated in accordance with the Government of India Rules *in force* at the time of his/her permanent absorption in.....(*Organisation*).

(*vii*) *Limitation as to the total amount of gratuity.*—The total gratuity admissible in respect of the service rendered under the Government of India and that under the .....(*Organisation*) shall not exceed the amount that would have been admissible, and Shri/Smt.....continued in Government service and retired on the same pay which he/she drew on retirement from.....(*Organisation*).

(*viii*) *Family Pension/Admissibility from one source only.*—(1) On his/her permanent absorption in.....(*Organisation*) Shri/Smt.....'s family will be eligible for family pension as admissible under the Central Government if there is no family pension scheme in the.....(*Organisation*) or if the officer does not become eligible to join family pension scheme in.....(*Organisation*).

(2) Family pension will be admissible only from one source, i.e., either from the Central Government or from the autonomous body in case such an organisation has a scheme for payment of family pension.

(*ix*) *Effect of liberalisation of pension/gratuity rules after absorption.*—Any further liberalisation of pension/gratuity rules decided upon by Government of India in respect of Officers of the Central Civil Services, after the permanent absorption of Shri/Smt. .....in.....(*Organisation*) will NOT be extended to him/her.

(*x*) *Fixation of pay on absorption.*—The pay of Shri/Smt.....will be fixed on absorption as for a re-employed pensioner with effect from the date he/she becomes entitled to draw the pro rata retirement benefits.

(*xi*) *Effect of resignation.*—If Shri/Smt.....resigns from..... (*Organisation*) his/her resignation for purpose of these orders will be treated as resignation from Government service, entailing forfeiture of earlier service under Government and loss of pensionary benefits including gratuity under these orders.

(*xii*) *Leave.*—The carry-forward of leave on average pay/earned leave in the case of Shri/Smt.....on his/her permanent absorption in.....(*Organisation*) will be regulated in accordance with the provisions of paragraph 7 of the Ministry of Finance (Department of Expenditure), O.M. No. 26 (18)-E. V (B)/76, dated 8-4-1976, quoted above.

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Accordingly the benefit is available only if the officer is absorbed in public interest. *Since in this case the absorption is in the public interest the earned leave/leave on average pay to the credit of the officer as on the date of his/her permanent absorption will be communicated separately.

Or

Since in this case the absorption is not in the public interest, Shri/Smt..... will not be eligible for the benefit of carry forward of leave.

(*xiii*) *Benefits after permanent absorption.*—For the period of service rendered by Shri/Smt.....in.....(*Organisation*) from the date of permanent absorption, he/she will be entitled to all the benefits admissible to the corresponding employees of the said organisation and continue to be governed by its rules in all respects.

(*xiv*) *Provident Fund.*—The amount of subscription together with interest thereon standing to credit of Shri/Smt.....in the General Provident Fund account will be transferred to his/her new Provident Fund Account under the.....(*Organisation*) with its consent. Once such a transfer of Provident Fund balance has taken place Shri/Smt. .....will be subject to the Provident Fund Rules of.....(*Organisation*) and not to the Provident Fund Rules of the Government of India.

(*xv*) *Interpretation.*—In case any doubt or difference of opinion arises regarding interpretation of the terms and conditions set out in this order, the matter shall be referred to the Department of Pension and Pensioners' Welfare whose decision shall be final.

Yours faithfully,

Officer competent to issue the sanction from the Ministry/Department

A copy is forwarded for information and necessary action to—

The Pay and Accounts Officer

.....

( )

Officer competent to issue the sanction from the Ministry or Department

*Strike out whichever is not applicable.

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APPENDIX 13

CHANGE-OVER FROM CONTRIBUTORY PROVIDENT FUND TO PENSION SCHEME

(1)

Change-over of employees from Contributory Provident Fund Scheme to Pension Scheme

[G.I., Dept. of Pen. & Pensioners' Welfare, O.M. No. 4/1/87-P.I.C-I., dated the 1st May, 1987.]

The Central Government employees who are governed by the Contributory Provident Fund Scheme (CPF Scheme) have been given repeated options in the past to come over to the Pension Scheme. The last such option was given in the Department of Personnel and Training, O.M. No. F. 3 (1)-Pension Unit/85, dated the 6th June, 1985. However, some Central Government employees still continue under the CPF Scheme. The Fourth Central Pay Commission has recommended that all CPF beneficiaries in service on January 1, 1986, should be deemed to have come over to the Pension Scheme on that date unless they specifically opt out to continue under the CPF Scheme.

2. After careful consideration, it has been decided that the said recommendation shall be accepted and implemented in the manner hereinafter indicated.

3.1 All CPF beneficiaries, who were in service on 1st January, 1986, and who are still in service on the date of issue of these orders (viz., 1st May, 1987) will be deemed to have come over to the Pension Scheme.

3.2 The employees of the category mentioned above will, however, have an option to continue under the CPF Scheme, if they so desire. The option will have to be exercised and conveyed to the concerned Head of Office by 30-9-1987, in the form enclosed if the employees wish to continue under the CPF Scheme. If no option is received by the Head of Office by the above date the employees will be deemed to have come over to the Pension Scheme.

3.3 The CPF beneficiaries, who were in service on 1st January, 1986, but have since retired and in whose case retirement benefits have also been paid under the CPF Scheme, will have an option to have their retirement benefits calculated under the Pension Scheme provided they refund to the Government, the Government contribution to the Contributory Provident Fund and the interest thereon, drawn by them at the time of settlement of the CPF Account. Such option shall be exercised latest by 30-9-1987.

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3.4 In the case of CPF beneficiaries, who were in service on 1-1-1986, but have since retired, and in whose case the CPF Account has not already been paid, will be allowed retirement benefits as if they were borne on pensionable establishments unless they specifically opt by 30-9-1987, to have their retirement benefits settled under the CPF Scheme.

3.5 In the case of CPF beneficiaries, who were in service on 1-1-1986, but have since died, either before retirement or after retirement, the case will be settled in accordance with para. 3.3 or 3.4 above, as the case may be. Options in such cases will be exercised latest by 30-9-1987, by the widow/widower and in the absence of widow/widower by the eldest surviving member of the family who would have otherwise been eligible to family pension under the Family Pension Scheme if such scheme were applicable.

3.6 The option once exercised shall be final.

3.7 In the types of cases covered by paragraphs 3.3 and 3.5 involving refund of Government's contribution to the contributory provident fund together with interest drawn at the time of retirement, the amount will have to be refunded latest by the 30th September, 1987. If the amount is not refunded by the said date, simple interest thereon will be payable at 10% per annum for period of delay beyond 30-9-1987.

4.1 In the case of employees who are deemed to come over or who opt to come over to the Pension Scheme in terms of paragraphs 3.3, 3.4 and 3.5, the retirement and death benefits will be regulated in the same manner as in case of temporary/quasi-permanent or permanent Government servants, as the case may be, borne on pensionable establishment.

4.2 In the case of employees referred to above, who come over or are deemed to come over to the Pension Scheme, the Government's contribution to the CPF together with the interest thereon credited to the CPF Account of the employee will be resumed by the Government. The employee's contribution together with the interest thereon at his credit in the CPF Account will be transferred to the GPF Account to be allotted to him on his coming over to the Pension Scheme.

4.3 Action to discontinue subscriptions/contributions to CPF Account may be taken only after the last date specified for exercise of option, viz., 30-9-1987.

5. A proposal to grant *ex gratia* payment to the CPF beneficiaries, who retired prior to 1-1-1986, and to the families of CPF beneficiaries who died prior to 1-1-1986, on the basis of the recommendations of the Fourth Central Pay Commission is separately under consideration of the Government. The said *ex gratia* payment, if and when sanctioned, will not be admissible to the employees or their families who opt to continue under the CPF Scheme from 1-1-1986 onward. [See *Order* (4) *in this Appendix.*]

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6.1 These orders apply to all Civilian Central Government employees who are subscribing to the Contributory Provident Fund under the Contributory Provident Fund Rules (India), 1962. In the case of other contributory provident funds, such as Special Railway Provident Fund or Indian Ordnance Factory Workers Provident Fund or Indian Naval Dockyard Workers Provident Fund, etc., the necessary orders will be issued by the respective administrative authorities.

6.2 These orders do not apply to Central Government employees who, on re-employment are allowed to subscribe to Contributory Provident Fund. These orders also do not apply to Central Government employees appointed on contract basis where the contribution to the Contributory Provident Fund is regulated in accordance with the terms of contract.

6.3 These orders do not also apply to scientific and technical personnel of the Department of Atomic Energy, Department of Space, Department of Electronics and such other Scientific Departments as have adopted the system prevailing in the Department of Atomic Energy. Separate orders will be issued in their respect in due course. [See *Order* (3) *in this Appendix.*]

7.1 Ministry of Agriculture, etc., are requested to bring these orders to the notice of all CPF beneficiaries under them, including those who have retired since 1-1-1986, and to the families covered by paragraph 3.5 of these orders.

7.2 Administrative Ministries administering any of the Contributory Provident Fund Rules, other than Contributory Provident Fund Rules (India), 1962, are also advised to issue similar orders in respect of CPF beneficiaries covered by those rules in consultation with the Department of Pension and Pensioners' Welfare.

8. These orders issue with the concurrence of the Ministry of Finance, Department of Expenditure, *vide* their U.O. No. 2038/IS (Pers)/87, dated 13-4-1987.

Form of Option

I.....(*name*), employed as.....(*designation*) in the Ministry/Department/Office of.....(*name of the Ministry/Department/Office*), do hereby opt to continue under the Contributory Provident Fund Scheme in terms of the Department of Pension and Pensioners' Welfare, O.M. No. 4/1/87-P.I.C.-I, dated 1-5-1987.

Place.....

Date.....

(*Signature of the Optee*)

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(2)

Extension of Retirement/Death Gratuity benefits to Central Government employees governed by Contributory Provident Fund Scheme

[G.I., Dept. of Pen. & Pensioners' Welfare, O.M. No. 4/1/87-P.I.C.-II, dated the 1st May, 1987]

The Central Government employees who are subscribing to Contributory Provident Fund are not at present eligible for Death-cum-Retirement Gratuity admissible to the employees on pensionable establishments. The Fourth Central Pay Commission have recommended that the benefit of Death-cum-Retirement Gratuity may be extended to the Central Government employees governed by CPF Scheme on the same lines as it has been in operation in the case of Railway employees.

2. Orders are separately being issued [*since issued* vide *Order* (1) *above*] that all CPF beneficiaries, who were in service on 1-1-1986, should be deemed to have come over to the Pension Scheme on and from that date unless they specifically opt out to continue under the CPF Scheme. In the case of Central Government employees who will continue under the CPF Scheme from 1-1-1986, it has been decided that they will be entitled to retirement gratuity and death gratuity at the same rate/scale as is admissible to temporary/quasi-permanent or permanent Government servants, as the case may be, borne on pensionable establishment.

3.1 These orders apply to all Civilian Central Government employees who are subscribing to the Contributory Provident Fund under the Contributory Provident Fund Rules (India), 1962.

3.2 In the case of subscriber to other contributory provident funds, where similar provisions are not at present available, necessary orders will be issued by the respective administrative authorities. The concerned Administrative Ministries are advised to issue these orders in consultation with the Department of Pension and Pensioners' Welfare.

4. These orders do not apply to Central Government employees who, on re-employment, are allowed to subscribe to Contributory Provident Fund. These orders also do not apply to Central Government employees appointed on contract basis where the contribution to the Contributory Provident Fund is regulated in accordance with the terms of contract.

5. These orders issue with the concurrence of Ministry of Finance, Department of Expenditure, *vide* their U.O. No. 2038/J.S. (Pers)/87, dated 13-4-1987.

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(3)

Change-over from Contributory Provident Fund Scheme to Pension Scheme—Special provisions for Scientific and Technical Personnel

[G.I., Dept. of Pen. & Pensioners' Welfare, O.M. No. 4/1/87-P. & P.W. (PIC-II), dated the 12th October, 1992.]

The undersigned is directed to refer to para. 6.3 of this Department's O.M. No. 4/1/87-P.I.C.-I, dated the 1st May, 1987 [*Order* (1) *in this Appendix*] on the subject mentioned above and to say that the proposal to formulate a uniform scheme for Scientific and Technical personnel (hereinafter referred to as S & T personnel) has been under examination in consultation with the Department of Space, Department of Atomic Energy and Department of Electronics.

2. The following uniform policy will apply to S & T personnel in the Department of Space, Department of Atomic Energy and Department of Electronics:—

(*i*) All S & T personnel joining Department of Atomic Energy, Department of Space and Department of Electronics and such other Scientific Departments as have adopted the system prevailing in the Department of Atomic Energy will initially be appointed on CPF Scheme.

(*ii*) The S & T personnel will have one option to be exercised any time but not later than completion of 20 years qualifying service to switch over from CPF to Pension Scheme or to retain the CPF Scheme as they may wish.

(*iii*) Those who do not exercise any option within the period specified above will be deemed to have retained the CPF Scheme.

(*iv*) The option once exercised will be final. Those who have opted in favour of Pension Scheme will not be allowed to re-opt in favour of CPF Scheme.

3. The new Scheme mentioned above will apply to all S & T personnel who join the Departments of Atomic Energy, Space and Electronics as fresh entrants after 31st July, 1992. As far as those already in service on 1-8-1992 are concerned, their cases will be regulated in the following manner:—

(*i*) Those who have completed 20 years qualifying service on 1st August, 1992 and are still on CPF Scheme, will exercise the option referred to in the preceding paragraph within six months of the issue of these orders. The option once exercised shall be final. Those who do not exercise any option will be deemed to have retained the CPF Scheme.

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(*ii*) The cases of those who have not completed 20 years qualifying service on 1st August, 1992 and are still under CPF Scheme on that date, will be regulated as for fresh entrants in terms of provisions of paragraph 2 above provided that the case of those who will be completing 20 years qualifying service within six months of the issue of these orders, the option may be exercised within the said period of six months.

(*iii*) Such of the S & T personnel as have already opted for pension scheme under the instructions in force before issue of these orders shall continue to remain under the Pension Scheme. They will not have any further option to re-opt in favour of the CPF Scheme.

4. The Department of Atomic Energy, etc., are requested to bring these orders to the notice of all S & T personnel working under them.

(4)

Ex gratia payment to families of deceased Central Government employees governed by Contributory Provident Fund Scheme who retired prior to 1st January, 1986

[G.I., Dept. of Pen. & Pensioners' Welfare, O.M. No. 4/1/87-P. & P.W. (PIC), dated the 13th June, 1988.]

The recommendation of the Fourth Central Pay Commission in Part II of its report regarding grant of relief to the families of deceased civilian Central Government employees, who were governed by Contributory Provident Fund Scheme, has been under consideration of Government. It has been decided that the widows and dependent children of the deceased CPF beneficiaries who had retired from service prior to 1-1-1986, shall be granted *ex gratia* payment of Rs. 150 p.m. with effect from 1-1-1986 or from the date following the date of death of the deceased employee whichever is later. The *ex gratia* payment shall also be admissible with effect from 1-1-1986, to the widows and dependent children of the CPF beneficiaries who died while in service prior to 1-1-1986.

2. The dearness relief under the revised pattern as sanctioned to pensioners from 1-7-1986 onwards *vide* this Department's O.M. No. 2/5/87-PIC, dated 22-4-1987 (*Appendix* 6) and subsequent orders will also be admissible to them in addition, i.e., at the following rates:—

Periods	Rate per month
1-1-1986 to 30- 6-1986	NIL
1-7-1986 to 31-12-1986	Rs. 6
1-1-1987 to 30- 6-1987	Rs. 12
1-7-1987 to 31-12-1987	Rs. 20
1-1-1988 until further orders	Rs. 27

Dearness relief as may be granted to pensioners in future shall also be admissible to them.

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3. The sanction of *ex gratia* payment will be subject to the following conditions:—

(1) The *ex gratia* payment shall be admissible to the following members of the family for the period indicated against each:—

(*i*) Widow/widower. The *ex gratia* payment shall be tenable in her/his case for life or until her/his re-marriage, whichever is earlier.

NOTE.—Employment/re-employment of the widow/widower will be no bar to her/his entitlement to the *ex gratia* payment under these orders. However, dearness relief on the *ex gratia* payment shall not be payable during the period of employment/re-employment under the Central/State Government or any body corporate/autonomous body/public sector undertaking belonging to the Central/State Government.

(*ii*) Sons up to the age of 25 years or until they are employed, whichever is earlier.

(*iii*) Unmarried daughters up to the age of 25 years or until they are employed or their marriage, whichever is the earliest.

(2) The *ex gratia* payment shall not be payable to more than one member of the family at the same time. If the deceased CPF beneficiary has left behind a widow or widower, the *ex gratia* payment shall be payable to the widow or widower, failing which to the eligible child.

(3) Where the *ex gratia* payment is granted under these orders to a minor, it shall be payable to the guardian on behalf of the minor.

(4) The other provisions of eligibility prescribed for family pension under the CCS (Pension) Rules, 1972, though not specifically mentioned above, shall also apply for purpose of regulating grant of *ex gratia* payment under these orders.

(5) Where the members of the family are in receipt of family pension under the Extraordinary Pension Rules, the *ex gratia* payment under these orders shall not be admissible.

(6) The *ex gratia* payment shall not be admissible in cases where a pensioner was subscribing to Contributory Provident Fund on re-employment.

(7) Life time arrears of *ex gratia* payment will also be payable in respect of eligible members of the family of the deceased Government servant, who were alive on 1-1-1986 and who died subsequent to this date, for the period from 1-1-1986 to the date of death.

(8) The periodical certificates such as life certificate, non-employment certificate, non-marriage certificate, etc., prescribed for drawal of family pension will also be required to be produced by the recipient of the *ex gratia* payment to the appropriate pension disbursing authorities.

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4. The following procedure shall be followed for giving effect to these orders:—

(*a*) The member of the family of the deceased CPF beneficiary eligible to receive *ex gratia* payment in terms of these orders shall make an application in the enclosed form in quadruplicate accompanied by all the relevant documents mentioned therein to the Head of Office in which the deceased CPF beneficiary last served before retirement or death while in service. In case a department has been abolished or merged with another department, the *ex gratia* payment would have to be processed and sanctioned by the office in which the parent department of the retired employee was merged or the office which is keeping the record of the abolished office, as the case may be.

(*b*) It will be the responsibility of the applicant to satisfy the Head of Office that she/he is the widow/widower or eligible child of the Government servant concerned to receive the *ex gratia* payment under these orders and establish identity by production of documents such as CPF Account Slips or the letter regarding settlement of Contributory Provident Fund Account or retirement orders or such other relevant records which may be in her/his possession. In cases where no such records are available the applicants will be required to produce one of the following documents for establishing their bona fide:—

(*i*) Succession certificate from a court, or

(*ii*) Affidavit sworn before a Magistrate, or

(*iii*) Affidavit of the claimant on a plain paper supported by any two documents which may be acceptable to the Head of Department/Sanctioning Authority.

In addition the widow/widower may also be required to produce an affidavit on a non-judicial stamp paper of the appropriate value applicable in the State in which she/he is residing to the effect that she/he was married to the deceased employee prior to his retirement. This may not be insisted upon if the sanctioning authority is otherwise satisfied on the basis of other evidence about the eligibility of the claimant.

(*c*) The Head of Office shall verify the claim with reference to his records. For this purpose, he may, where necessary, also consult the Accounts Officer maintaining the CPF ledger of the deceased employee to ensure that the deceased employee was in fact governed by the CPF Scheme. He will also ensure that duplicate claims for grant of *ex gratia* payment under these orders are not sanctioned. For this purpose, where possible, an endorsement to the effect that the *ex gratia* payment has been sanctioned shall be recorded in the CPF ledger of the deceased employee. It would be the responsibility of the Head of the Office or Department to determine the beneficiary who would be entitled to receive the *ex gratia* payment as mentioned in para. 1 above. After the Head of Office has satisfied himself about the bona fide of the claim he shall sanction *ex gratia*

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payment and forward the same to the Accounts Officer for issue of payment order. The Accounts Officer means the Accounts Officer who issues pension payment orders in respect of the employees in the respective offices on pensionable establishment.

(*d*) On receipt of the papers from the Head of Office the Accounts Officer shall cause the payment authority to be issued. The payment authority should also indicate the amount of dearness relief payable as indicated in para. 2 above. The payment authority should follow the same channel through which the pension payment order in respect of pensionable employees is routed. The existing pension payment order form may be used for this purpose.

(*e*) The *ex gratia* payment under these orders will be payable through disbursing authorities which are at present authorised to disburse pension on behalf of the Central Government, namely, the Accounts Offices, branches of Public Sector Banks, Treasuries and Post Offices as may be applicable for the respective establishments from which the deceased Government servant had retired/served last.

(*f*) In the case of drawal of *ex gratia* payment through disbursing offices other than Public Sector Banks, the facility of remittance by postal money order at Government cost shall also be available.

5. The orders apply to all civilian Central Government employees including civilians paid from Defence Services Estimates who were governed by CPF Scheme whether under the Contributory Provident Fund Rules (India), 1962 or by any other name. These orders also apply to Railway employees governed by the State Railway Provident Fund Rules.

6. The expenditure on account of grant of *ex gratia* payment shall be debitable as follows:—

(*i*) The civilians including civilians paid from Defence Estimates (but excluding those under the Department of Posts and Department of Telecommunications)	2071 Pensions and other retirement benefits-01 civil-200 other pensions-139 *Ex gratia* payment to families of deceased CPF beneficiaries.
(*ii*) Department of Posts	3201 Postal services-07 pensions-200 other pensions-137 *Ex gratia* payment to families of deceased CPF beneficiaries.
(*iii*) Department of Telecommunications	3225 Telecommunication services 08 pensions-200 other pensions-139 *Ex gratia* payment to families of deceased beneficiaries.
(*iv*) Railways	The appropriate Head of Account will be advised by the Ministry of Railways (Railway Board), to the concerned GPF Railway authorities separately.

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7. In their application to the families of Government servants retired from Indian Audit and Accounts Department, these orders issue after consultation with the Comptroller and Auditor-General of India.

*[NOTE.—The benefit of *ex gratia* payment of Rs. 150 p.m. as sanctioned in terms of the above OM, dated the 13th June, 1988, is also admissible to the widows of Contributory Provident Fund beneficiaries who served the Government of pre-partitioned India and subsequently migrated to India after partition. Complete application in the form prescribed in the above OM may be submitted to the Settlement Commissioner, Rehabilitation Division, Ministry of Home Affairs, Jaisalmer House, New Delhi.]

*[G.I., Dept. of Pen. & Pen. Welfare, O.M. No. 5 (11)-P. & P.W./88-E, dated the 22nd August, 1989.]

[*To be furnished in quadruplicate*)

FORM OF APPLICATION

To

(*Head of Office in which the deceased CPF beneficiary last served before his retirement/ death while in service*)

Subject:—Application for the grant of *ex gratia* payment to the family of the Central Government employee governed by CPF Scheme who retired/died while in service prior to 1-1-1986.

Affix Photograph

Sir,

I hereby apply for grant of *ex gratia* payment to me in terms of the Department of Pension and Pensioners' Welfare, Office Memorandum No. 4/1/87-P. & P.W. (PIC), dated 13-6-1988.

Requisite particulars are given below—

1. Name of the applicant ... ...
2. If the applicant is submitting the application as a guardian on behalf of a minor, the name of the minor child ...
3. Full address of the applicant ... ...
4. Particulars of surviving widow/widower and children of the deceased Government servant eligible for *ex gratia* payment—

Serial No.	Name	Relationship with the deceased person	Date of birth by Christian era
1.			
2.			
3.			
4.			
5.			
6.			

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5. Name of the deceased Government servant ... ...

6. Date of death of the Government servant (Documentary evidence to be attached) ... ...

7. Office/Department/Ministry in which the deceased Government servant served last and the post held by him ...

8. CPF A/c. No. of the deceased Government servant (*if known*)

9. Name of the Accounts Officer, viz., the authority who authorised payment of the balance amount in CPF A/c. (*if known*) ... ...

10. If the applicant is guardian his date of birth and relationship with (*i*) the deceased Government servant and (*ii*) Minor claimant ... ...

11. Is the claimant in receipt of any family pension under the Extraordinary Pension Rules? ... ...

*12. Name of the Treasury or the Branch or the Authorised Public Sector Bank or the Pay and Accounts Officer or Post Office through which the *ex gratia* payment is to be drawn monthly

13. List of documents/evidence attached—

(*i*) Two specimen signatures of the applicant, duly attested (to be furnished in two separate sheets).

(*ii*) Two copies of passport size photograph of the applicant, duly attested.

(*iii*) Two slips each bearing left hand thumb and finger impressions of the applicant, duly attested (Applicable where the applicant is not able to sign).

(*iv*) Descriptive Roll of the applicant duly attested, indicating (*a*) height and (*b*) personal marks, if any, on the head, face, etc. (Specify a few conspicuous marks, not less than two, if possible).

(*v*) Certificate(s) of age duly attested showing the dates of birth of the children. The certificate should be from the Municipal Authorities or from the Local Panchayat or from the head of a recognised school if the child is studying in such school.

(*vi*) Attested copies of retirement order, if available.

(*vii*) Death certificate of Government servant.

(*viii*) Guardianship certificate (where applicable).

(*ix*) The certificate to the effect that the widow/widower has not re-married.

(*x*) Non-employment certificate (in the case of children only).

(*xi*) Affidavit to the effect that the applicant (for widow/widowers only) was married to the deceased Government servant before retirement.

(*xii*) Any other document indicating that the applicant is genuine claimant (to be specified).

Signature

(*Name and complete postal address*)

NOTE.—**Facility of drawal of* ex gratia *payment through Public Sector Banks is available. The facility of drawal through Post Offices is available in case of members of CPF beneficiary belonging to P & T and Railways only.*

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ATTESTATION

(Attestation should be done by two Gazetted Government servants or two or more persons of respectability in the town, village or pargana in which the applicant resides.)

Certified that I have known Smt./Shri.....widow/widower/son/daughter of late Shri/Smt.....and resident of.....and I am satisfied that she/he is the bona fide claimant of *ex gratia* payment applied for.

(1) *Signature and Seal of the Attesting Authority*

(2) *Signature and Seal of the Attesting Authority*

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APPENDIX 14

THE PENSIONS ACT, 1871

(Act No. 23 of 1871)

An Act to consolidate and amend the law relating to Pensions and Grants by Government of money or land-revenue.

[8th August, 1871]

Preamble.—Whereas it is expedient to consolidate and amend the law relating to pensions and grants by Government of money or land-revenue, it is hereby enacted as follows:—

I. PRELIMINARY

1. Short title.—This Act may be called the Pensions Act, 1871.

Extent of the Act.—In so far as it relates to Union Pensions, it extends to the whole of India and in so far as it relates to other pensions, it extends to the whole of India except (the territories which, immediately before the 1st November, 1956, were comprised in Part B States).

2. Repealed.

3. Interpretation.—In this Act, the expression 'grant of money or land-revenue' includes anything payable on the part of the Government in respect of any right, privilege, perquisite or office.

3-A. The expression 'the appropriate Government' means in relation to Union Pensions, the Central Government, and in relation to other pensions, the State Government.

II. RIGHTS TO PENSIONS

4. Bar on suits relating to pensions.—Except as hereinafter provided, no Civil Court shall entertain any suit relating to any pension or grant of money or land-revenue conferred or made by the Government or by any former Government, whatever may have been the consideration for any such pension or grant, and whatever may have been the nature of the payment, claim or right for which such pension or grant may have been substituted.

5. Claims to be made to Collector or other authorised Officer.—Any person having a claim relating to any such pension or grant may prefer such claim to the Collector of the District or Deputy Commissioner or other officer authorised in this behalf by the appropriate Government and

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such Collector, Deputy Commissioner or other Officer shall dispose of such claim in accordance with such rules as the Chief Revenue authority may, subject to the general control of the appropriate Government, from time to time, prescribe in this behalf.

6. Civil Court empowered to take cognizance of such claims.—A Civil Court, otherwise competent to try the same, shall take cognizance of any such claim upon receiving a certificate from such Collector, Deputy Commissioner or other Officer authorised in that behalf that the case may be so tried, but shall not make any order or decree in any suit whatever by which the liability of Government to pay any such pension or grant as aforesaid is affected directly or indirectly.

7. Pensions for lands held under grants in perpetuity.—Nothing in Sections 4 and 6 applies to—

(1) any inam of the class referred to in Section 1 of Madras Act No. IV of 1862;

(2) pensions heretofore granted by Government in the territories respectively subject to the Lieutenant-Governors of Bengal and the North Western Provinces, either wholly or in part as an indemnity for loss sustained by the resumption by a Native Government of lands held under sanads purporting to confer a right to perpetuity. Such pensions shall not be liable to resumption on the death of the recipient, but every such pension shall be capable of alienation and descent, and may be sued for and recovered in the same manner as any other property.

III. MODE OF PAYMENT

8. Payment to be made by Collector or authorised officer.—All pensions or grants by Government of money or land-revenue shall be paid by the Collector or the Deputy Commissioner or other authorised officer, subject to such rules as may, from time to time, be prescribed by the Chief Controlling Revenue authority.

9. Saving of rights of grantees of land revenue.—Nothing in Sections 4 and 8 shall affect the right of a grantee of land-revenue, whose claim to such grant is admitted by Government, to recover such revenue from the persons liable to pay the same under any law for the time being in force for the recovery of the rent of land.

10. Commutation of pensions.—The appropriate Government may, with the consent of the holder, order the whole or any part of his pension or grant of money or land-revenue to be commuted for a lump sum on such terms as may seem fit.

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IV. MISCELLANEOUS

11. Exemption of pension from attachment.—No pension granted or continued by Government on political considerations, or on account of past services or present infirmities or as a compassionate allowance, and no money due or to become due on account of any such pension or allowance, shall be liable to seizure, attachment or sequestration by process of any Court at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court.

This section applies also to pensions granted or continued after the separation of Burma from India, by the Government of Burma.

12. Assignments, etc., in anticipation of pension to be void.—All assignments, agreements, orders, sales and securities of every kind made by the person entitled to any pension, pay or allowance mentioned in Section 11, in respect of any money not payable at or before the making thereof, on account of any such pension, pay or allowances or for giving or assigning any future interest therein are null and void.

12-A. Nomination by pensioner to receive moneys outstanding on account of pension.—Notwithstanding anything contained in Section 12 or in any other law for the time being in force—

(*a*) any person to whom any pension mentioned in Section 11 is payable by the Government of India or out of the Consolidated Fund of India (such person being hereinafter referred to as the pensioner) may nominate any other persons (hereinafter referred to as the nominee), in such manner and in such form as may be prescribed by the Central Government by rules, to receive after the death of the pensioner, all moneys payable to the pensioner on account of such pension at, before or after the date of such nomination and which remain unpaid immediately before the death of the pensioner; and

(*b*) the nominee shall be entitled on the death of the pensioner, to receive, to the exclusion of all other persons, all such moneys which have so remained unpaid:

Provided that if the nominee predeceases the pensioner, the nomination shall so far as it relates to the right conferred upon the said nominee, become void and of no effect:

Provided further that where provision has been duly made in the nomination, in accordance with the rules made by the Central Government, conferring upon some other person the right to receive all such moneys, which have so remained unpaid, in the event of the nominee predeceasing the pensioner, such right shall, upon the decease as aforesaid of the nominee, pass to such other persons.

13. Whoever proves to the satisfaction of the appropriate Government that any pension is fraudulently or unduly received by the person

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enjoying the benefit thereof shall be entitled to a reward equivalent to the amount of such pension for the period of six months.

14. Power to make rules.—In each State the Chief Controlling Revenue authority may, with the consent of the appropriate Government, from time to time, make rules consistent with this Act respecting all or any of the following matters:—

(1) the place and times at which, and the person to whom, any pension shall be paid;

(2) inquiries into the identity of claimants;

(3) records to be kept on the subject of pensions;

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(5) correction of such records;

(6) delivery of certificates to pensioners;

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(8) reference to the Civil Court, under Section 6, of persons claiming a right of succession to or participation in, pensions or grants of money or land-revenue payable by Government;

and generally for the guidance of officers under this Act.

All such rules shall be published in the Official Gazette, and shall thereupon have the force of law.

15. Power of Central Government to make rules.—The Central Government may, by notification in the Official Gazette, make rules to provide for all or any of the following matters, namely:—

(*a*) the manner and form in which any nomination may be made under Section 12-A and the manner and form in which such nomination may be cancelled or varied by another nomination;

(*b*) the manner in which provision may be made, for the purposes of the second proviso to Section 12-A in any such nomination for conferring on some person other than the nominee the right to receive moneys payable to the nominee if such nominee predeceases the pensioner.

16. Laying of rules.—Every rule made by the Central Government under this Act and every rule made under Section 14 by a Chief Controlling Revenue Authority with the consent of the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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